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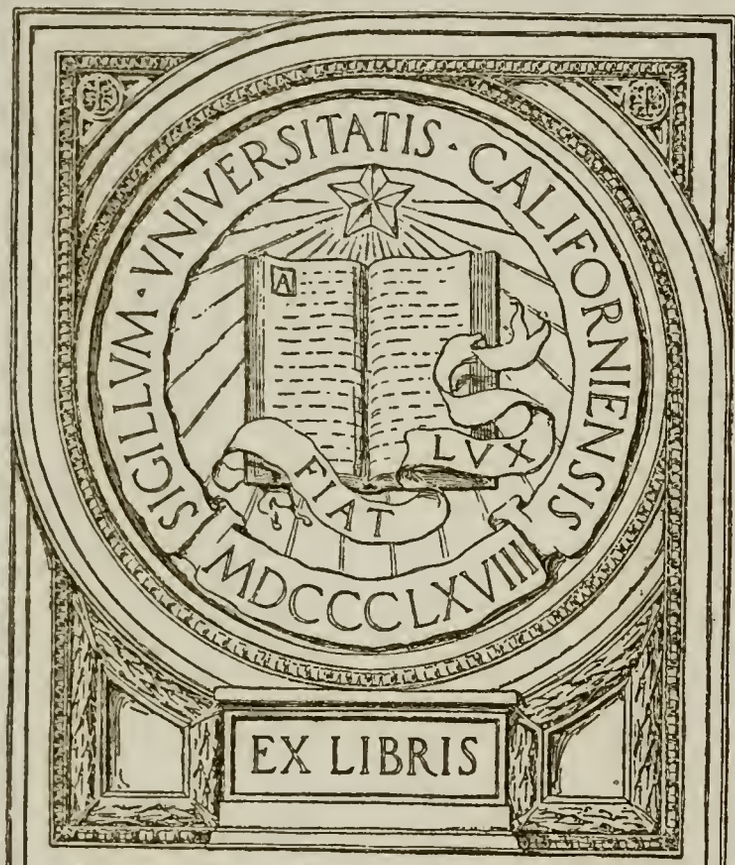
Charter and Ordinances

OF THE

City of Stockton. 1908

GIFT OF
Mrs. Bernard Moses



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of the

City of Stockton

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ORDER OF ARRANGEMENT

INDEX TO CHARTER.
INDEX TO ORDINANCES.
CITY CHARTER.
CITY ORDINANCES.
ORGANIZATION AND OFFICERS.
ACCEPTED STREETS.
LICENSES AND REVENUE.
BOND ISSUES.
MISCELLANEOUS.
CONVEYANCES AND CONTRACTS.
FRANCHISES.
FREE PUBLIC LIBRARY.
PENAL.
SPECIAL STATUTES RELATIVE TO STOCKTON.
CATALOGUE OF ORDINANCES.

INDEX TO CHARTER.

	Sec.	Par.
APPROPRIATIONS.		
Charitable associations, to	30	43
Holidays, for celebrating	30	48
Ordinances, must be by	22	--
Public disaster or distress, in case of	22	--
Rewards not exceeding $500	30	40
Urgent necessity fund	30	41
ANIMALS AT LARGE.		
Impounding and destruction of	30	16
ASSESSMENT OF TAXES.		
Equalization of	56	--
Leviable by ordinance only	22, 58	--
List of property for	39, 55	--
Notice of change necessary	39, 56	--
Roll, evidence of what	80	--
Time for	39	--
ASSESSOR, CITY.		
Duties of, equalization of taxes	39, 55, 56	--
Duties of, generally	39	--
Fees of	55	--
Powers like County Assessor's	39, 55	--
Salary of	39, 50	--
Street assessments, shall make	55	--
Time for assessment list	55	--
ATTORNEY, CITY.		
Appointment and term	52	--
Board of Education, attorney of	99	--
Bond of, how approved	51	--
Contracts, must pass upon	29	--
Duties of, generally	52	--
Official bonds, must approve	51	--
Qualifications for	52	--
Salary of	50	--
ATTORNEY, PROSECUTING.		
Appointment and duties of	53	--
Salary of	50	--
AUDITOR, CITY.		
Can take affidavits and administer oaths	42	--
Duties of, assessment and taxes	57 to 64	--
Duties of, generally	42	--
Election of, term of office, and salary	41	--
Shall approve or reject claims	42	--
Shall count cash in city treasury	42	--
BONDS.		
City, taxation to pay	54	--
Official, general provision	51	--

	Sec.	Par.
BUILDINGS.		
Contracts for lighting public	27	--
Courts and officers, for	30	17
Engine houses, etc., control of	137	--
Entrances, etc., Council may regulate	30	22
School houses, etc., custody of	83	7
Supplies and furniture for	30	17
Title to public	2	--
Wharves on, conditionally prohibited	163	--
Within fire districts	30	10
BOUNDARIES, RIGHTS AND LIABILITIES.		
Common benefit, may purchase, etc., for the	1	--
Common seal, may have and use a	1	--
Courts, may sue and defend in all	1	--
Enforcement of any rights, etc.	4	--
Obligations, debts, etc., subject to all the	3	--
Public uses, may determine and declare what are	1	--
Recovery of any property, etc.	4	--
Rights of public property, etc., vested in	2	--
Wards, divided into four	5	--
BUSINESS REGULABLE BY COUNCIL.		
Advertising on streets	30	3
Building in fire districts	30	10
Crossings of streets, etc.	30	3
Entrances and exits of public places	30	22
Explosives and combustibles, sale and storage of	30	14
Fees of city officers	30	33
Gas and electric lighting	30	3
Hacks—stands and charges	30	21
Hospitals, dispensaries, markets, etc.	30	6
Houses, numbering of	30	3
Indecent or dangerous occupations	30	13
Official conduct not otherwise defined	30	33
Parades and processions	30	45
Pawnbroking, junk-dealing, etc.	30	24
Railroading	30	27
See comprehensive general provision	30	47
Steam, gasoline, electric and other engines	30	20
Streets, improvement of generally	30	5
Streets, naming and using	30	3
Telegraph and telephone wires	30	3, 20
Traffic on streets, generally	30	2
Vessels, moving and anchoring	30	9
Watering of streets, etc.	30	5
Water works and water rates	30	25
CERTIFIED COPIES.		
Of records, fee for	208	--

	Sec.	Par.
CHANNELS.		
Damage to, Council may prevent	30	9, 19
Department of Streets and Wharves, within control of	147	--
Dredging of, fund for	161	--
CITY CHARTER.		
Provisions of, mandatory and prohibitory	225	--
CLAIMS.		
Department Streets and Wharves for daily labor, etc.	151	--
Police and Fire Department	140	--
School fund, against	95, 96	--
Verified, all must be	42	--
CLERK, CITY.		
Contracts, must countersign and register	29	--
Custodian of records, etc.	38	--
Duties of, generally	38	--
Election of	38	--
Elections, powers like County Clerk's	7	--
License Collector	38	--
Salary of	38, 50	--
CLERK, MAYOR'S.		
Appointment of	37	--
CLERK, MUNICIPAL COURT.		
Salary of	50	--
CONTRACTS.		
Bidding upon, notice required, when	201	--
Building, School Department	87	--
City Clerk must countersign	29	--
Department of Streets and Wharves, in	148	--
Election of teachers, not	83	3
Execution in name of city	29	--
Form of, City Attorney passes on	29	--
Lighting, limited price for	27	--
Labor, for in Street Department	151	--
Lowest bidder, what go to	201	--
Officers, must not have interest in	205	--
Performance, Mayor shall enforce	34	--
Police and Fire Department, in	141	--
Registration and numbering of	29	--
School officers, being interested, void	93	--
School supplies for	92	--
Water supplying, limitation of	28	--
Work for Police and Fire Department	141	--
Writing, must be in	29	--

COUNCIL, CITY.	Sec.	Par.
Action by ordinance or resolution	22	--
Additional official bonds, may require	51	--
Attorneys, appointment of	52, 53	--
Board of Equalization, constitutes	56	--
Bonded debt, must provide to pay	54	--
Building of sewers, to regulate	30	4
City Clerk, may prescribe duties of	38	--
Composition of	11, 12	--
Contracts for light and water, limitation of	27, 28	--
Contracts to be let by	148	--
Department of Streets and Wharves, under control of	146	--
Equalization of taxes	55, 56	--
Expulsion and punishment of members	15	--
Five affirmative votes needed to pass measure	13	--
Journal of proceedings	38	--
Matters within its control	147	--
Mayor, prescribing additional duties of	37	--
Meetings, regular and special	13	--
Oaths, may administer	16	--
Officers, may regulate	30	33
Ordinances, how amended	17	--
Ordinances, power to pass what	30	--
(See heading "Ordinances," in this index.)		
Organization of	13, 14	--
Police force, may increase	142	2
Powers of, generally and specifically	30	--
Publication of ordinances in book form	25	--
Quorum, five members constitute	13	--
Reconsideration of bill, lies over	19	--
Rules of order, may establish	15	--
Salaries, generally	50	--
Salaries, Police and Fire Department	135	--
School tax, must levy	83	11
Special meetings of, call for	13	--
Supplies for use of officers	30	17
Taking for public uses	210	--
Taxes, power as to	54	--
Tax levy, must make in May	58	--
Treasurer, may regulate	40	--
Vacancies in office, may fill	218	--
Wards, duty of redistricting	24	--
Witnesses, may compel attendance of	15	--
COUNCILMAN.		
At large	12	--
Contracts, etc., may not have interest in	205	--
Election of	6	--
Malfeasance of	15	--
Mayor, when ineligible to be	36	--
Salary of	50	--
Term of office	12	--
Ward, from each	12	--

	Sec.	Par.
EDUCATION, BOARD OF.		
Books for indigent, may furnish	83	18
Children under six, may prohibit attendance	83	13
Claims on school fund, audit	83	14
Constitution of	81	--
Election of	6, 81	--
Employes, teachers, marshals, etc.	83	3
Grading, course of study, text-book	83	5
Meetings, special	212	--
Meetings, time of	82	--
Non-residents, may admit to schools	83	15
Organization of	82	--
Powers and duties of, generally	83	--
Power to improve school lots	83	9
Publications certain, may exclude	83	17
Report to City Council	83	11
Rules and regulations for schools	83	4
School funds, rules for disbursing	83	12
School property, generally	83	7, 8
School property, may sell	83	16
School property, may sue for	83	10
Special counsel, may employ	99	--
Superintendent of Schools, shall elect	89	--
Supplies and incidentals for schools	83	6
Vacancies in, how filled	82	--
Visit schools, members shall	85	--
ELECTIONS, CITY.		
Certificates must be authenticated	10	--
Great register, copies to be used	9	--
Regulated by Political Code	7	--
Time for holding	6	--
Who may vote thereat	9	--
EMPLOYES.		
Additional, now authorized	211	--
Competent, not to be removed	222	--
Fire Department, in	142	3
Guilty of any offense, how punished	143	--
School Department	83	3
Street and Wharf Department	151, 156	--
EQUALIZATION OF TAXES.		
Board of, constitution and sessions	56	--
General provisions as to	56, 57	--
Time and notice of meeting of board	56	--
EXPENDITURES.		
Exceeding $5,000	22	--
Extraordinary, by Board of Education	102	--
Statement annually, by Auditor	47	--
Statement monthly, by Treasurer	40	--
Statement monthly, Police and Fire Commissioners	139	--

	Sec.	Par.
EXPLOSIVES AND COMBUSTIBLES.		
Storage, etc., may be regulated	30	14
FEES.		
Assessor's	55	--
Certified copies of records, for	208	--
Officers', Council may fix	30	33
Payable monthly into treasury	48	--
Tax Collector's	77	--
FIRE DEPARTMENT.		
Chief Engineer of	142	--
Fire alarm	30	23
Fires, Council may provide against	30	10
Members, numbers, appointment	142	--
Salaries of members, how fixed	135	--
Salary of Chief of	50	--
FIRE DISTRICTS.		
Buildings within	30	10
Council may establish	30	10
FISCAL YEAR.		
Time of beginning	58	--
FRANCHISES.		
Certain powers thereby delegated	30	34
Invalidity and forfeiture of	202	--
Officers, interest in prohibited	205	--
Ordinances granting, thirty days	19	--
Private rights, without prejudice to	30	28
Steam railroad, special requisites	30	28
Street railroad, bidding for	30	34
Street railroad, special requisites	30	34
Unused, forfeited by Charter	221	--
FUNDS.		
Dredging channels, for	161	--
Firemen's Relief Fund	30	52
Free Public Library, for	54	--
General, constituted	54	--
Permanent improvement water-front	164	--
School, claims against	95	--
School, how derived	94	--
School, limitation of uses	83	19
School, rules for disbursing	83	12
Schools, for	54, 94	--
Treasurer must keep custody of	40	--
Urgent necessity, provided for	30	41
GAS.		
Appliances for distributing	30	26
HARBOR DUES.		
Collection of	162	--
Council may regulate	30	8

	Sec.	Par.
HARBORMASTER.		
Salary of	50	--
HEALTH AND SAFETY.		
Board of, Council may provide	30	49
Entrances, etc., of public places	30	22
Hospital, Council may establish	30	36
Powers of Council as to, generally	30	15, 47
HOSPITAL, DISPENSARIES, ETC.		
City, Council may establish	30	36
Council may regulate	30	6
INDEBTEDNESS.		
Taxation to pay	54	--
LANDS.		
Title of city to	2	--
LICENSES.		
City Clerk, collector of	38	--
Council may fix and regulate	30	23
MARKETS.		
Council may regulate	30	6
MAYOR.		
Bond of, how approved	51	--
Clerk may appoint	37	--
Contracts, shall enforce performance	34	--
Counting cash in Treasury	33	--
Duties of, generally	32	--
Duties may be enlarged	37	--
Election of	6	--
Funds and property, shall guard	32	--
Laws and ordinances, shall enforce	32	--
Messages to Council	32	--
Official bonds, must approve	51	--
Officers' conduct, shall supervise	32	--
President of Council may be pro tem	36	--
Riots, shall suppress	32	--
Salary of	50	--
Term of office	31	--
Unexpired term, Vice-President of the Council may fill	36	--
Veto and pocketing ordinances	20, 21	--
MISDEMEANOR.		
Penalties, fines and forfeiture	30	32
School officers, as to supplies	93	--
Water regulations, violations of	30	25
MORALS AND ORDER, GOOD.		
Things contrary, Council may suppress	30	13
MORGUE.		
Council may provide for	30	12

	Sec.	Par.
NOTICES.		
Posting of, generally	213	--
Special meetings	212	--
NUISANCES.		
Cesspools and vaults	30	18
Offensive occupations, etc.	30	15
Parades on streets	30	45
Powers of Council as to	30	11
OATHS.		
Educational officers may administer	86	--
May be administered by city officers	16	--
Official, form of	49	--
OFFICERS, CITY.		
Absence over thirty days	218	--
Accepting gifts from subordinates	207	--
Assessor, City, generally	39	--
Attorney, City, generally	52	--
Attorney, Prosecuting, generally	53	--
Board of Education, generally	81 to 102	--
Board of Police and Fire Commissioners	131 to 145	--
Bribery of or by	206	--
Certificates of election	10	--
Chief Engineer Fire Department	142	3
Chief of Police	142	--
Clerk, generally	38	--
Clerk, Mayor's	37	--
Contracts, may not be interested in	205	--
Deputies	220	--
Duties and compensation	217	--
Duties of, Council may define	30	33
Elective, which and when	6	--
Eligibility of, generally	216	--
Engineer, City, election of	154	--
Harbormaster	158, 159	--
Increase in number prohibited	211	--
Mayor	31 to 37	--
Mayor and City Council	11 to 16	--
Mayor, shall supervise	34	--
Oaths, may administer	16	--
Records of, open to public	208	--
Removal of, by whom	219	--
Salaries of	50	--
Secretary Police and Fire Commissioners	134	--
Superintendent of Schools	89, 90	--
Superintendent of Streets	154½	--
Supplies and furniture for	30	17
Sureties on official bonds, may not be	51	--
Suspension of	34	--
Trustees Free Library	103	--
Unexpired terms of	218	--
Vice-President of Council	14	--
Violation contracts, must report	34	--

ORDINANCES.	Sec.	Par.
Action which must be by, generally	22, 30	--
Amendment of	17	--
Amendment of, after passage to print	22	--
Approval by Mayor	20	--
Certified to by the Clerk	20	--
Constituent essentials of	22	--
Enacting clause of	26	--
Franchises, pend thirty days after introduction	19	--
Franchises, six votes necessary to pass certain	30	28
Passage and approval of	20, 21	--
Publication of, quinquennial	25	--
Publication on passage to print	22	--
Pocketing of, by Mayor	20	--
Reconsideration of on final passage	19	--
Sales of property, must be by	201	--
Take effect when	23	--
Taxes, to be levied by	58	--
Title and contents, requisites of	18	--
Vetoed by Mayor, how passed	21	--
Void as to matters not within title	18	--
Votes, number required to pass	13, 21	--
Matters Within Express Powers of City Council Wherein Action Must Be by Ordinance.		
Acceptance of streets	30	1
Advertising and noises on streets	30	3
Aisles of public places, obstruction of	30	22
Animals at large on streets	30	16
Awnings over streets	30	3
Bridges, construction and repair	30	7
Buildings, acquisition of land for	30	37
Buildings, combustible in fire districts	30	10
Buildings, entrances of certain	30	20, 22
Buildings for officers	30	17
Buildings on wharves, removal of	163	--
Buildings, restriction of height of	30	10
Business endangering health, safety, etc.	30	15
Channels, pollution and obstruction of	30	19
Charitable associations, appropriation to	30	43
Cleansing, etc., of vaults, etc.	30	18
Combustibles, sale, storage, use, transportation	30	14
Crossing streets, etc., regulation of	30	3
Disposition of public property, generally	22	--
Duty, imposition of any new	22	--
Entrances to cellars from sidewalks	30	20
Entrances to theaters, churches, etc.	30	22
Exhibitions, immoral, disorderly, dangerous	30	13
Expenditure of $5,000 and upwards	22	--
Explosives, sale, storage, use, transportation	30	14
Fees of officers, fixing and regulation	30	33
Ferries, construction and repair of	30	7
Fines and forfeitures, determination of	30	32
Fire alarms, maintenance, etc.	30	23
Fire districts, establishment of	30	10
Fires, prevention and extinguishment	30	10

Matters Within Express Powers (Continued).	Sec.	Par.
Flagmen for railroad crossings	30	27
Franchises for steam railroads	30	28
Franchises for street railroads	30	34
Grade of streets and sidewalks	30	1
Hackmen's charges, etc.	30	21
Hack stands, regulation of	30	21
Health, establishment Board of	30	49
Homes for confirmed inebriates	30	42
Horse-troughs on streets	30	3
Hospital, establishment and maintenance	30	36
Houses of ill-fame, suppression of	30	13
Human remains, removal of	30	50
Impounding of animals	30	16
Industrial schools, etc., establishment	30	42
Intelligence offices, regulation of	30	24
Junk-dealing	30	24
Land for public buildings	30	37
Legal holidays, appropriation for celebrating	30	48
Levy of taxes, general and for schools	58	--
Licenses, municipal	30	35
Lights, gas and electric, on streets	30	3, 5
Markets	30	6
Morgues, provision and maintenance	30	12
Naming of streets, etc.	30	3
Nuisance, abatement of	30	11
Nuisance, declaration of what is	30	11
Nuisances, regulation of certain	30	15
Noises on streets	30	3
Numbering of houses on streets, etc.	30	3
Obstruction of and encroachment on streets	30	2
Obstruction of navigation	30	9
Occupations, immoral, disorderly, dangerous	30	13
Official conduct and duty, regulation of	30	33
Opening or closing of streets	30	1
Parades and processions, regulation of	30	45
Parks, improvement and maintenance	30	37
Paving of streets	30	5
Pawnbroking, regulation of	30	24
Penalties for violation of ordinances or Charter	30	32
Penalties for violation of water regulations	30	25
Penalty, imposition of any	22	--
Places of immoral, disorderly or dangerous amusement	30	13
Police telegraph	30	23
Pound, establishment of	30	16
Printing, provision for public	30	17
Privilege, the granting of any	22	--
Property, lost or stolen, in hands of police	30	44
Public cries on streets, etc.	30	3
Public parks, acquisition of land for	30	37
Public uses, acquisition of land for	30	37
Public utilities and properties, acquisition of	30	51
Railroad companies, street repairs by	30	31
Railroads, franchises for appurtenances	30	30
Railroads, steam, franchises for	30	28
Railroads, street, franchises for	30	34

Matters Within Express Powers (Continued).	Sec.	Par.
Regulations in general, local, police, sanitary	30	17
Rewards for arrest and conviction of felons	30	40
Rules and regulations, to make all	30	46
Sewers, building and repairing	30	3, 4
Sewers, establishment of system of	30	4
Signs, etc., on streets	30	3
Signs, the hanging of	30	20
Slaughter-houses	30	15
Specific improvement, provision for any	22	--
Steam boilers, the use of	30	20
Steam whistles and bells	30	3
Street crossings, warning by railroads	30	27
Street repairs by railroad companies	30	31
Supplies and furniture for offices	30	17
Supplies, annual requisition for	30	17
Tanneries	30	15
Taxes and assessments, levying	22	--
Telegraph and telephone poles on streets	30	20
Telegraph and telephone wires on streets	30	3
Traffic on streets and highways	30	2
Trusts, provision for execution of municipal	30	39
Urgent and necessity fund	30	41
Use of streets, etc., for certain purposes	30	3
Vaults, cesspools, wells, etc.	30	18
Vessels, moving and anchoring of	30	9
Water for corporate and private use	30	38
Water rates	30	25
Waters, pollution and obstruction of	30	19
Watering of streets, etc.	30	5
Wharves, etc., construction and repairs	30	7
Wharfage, dockage, etc., rates of	30	8
Widening of streets	30	1
PENALTIES.		
Imposed by ordinance only	22	--
Violation of ordinances, for	30	32, 47
POLICE, CHIEF OF.		
Appointment of	135	--
Office created	142	--
Salary of	50	--
POLICE DEPARTMENT.		
Composition and numbers	142	--
Members of, how appointed	135	--
Powers legislative of Council	30	47
Regulated by whom	136	--
Removals except for cause prohibited	135	--
Riot in case of, Mayor may command	32	--
Salaries of members	135	--
Special policemen, appointment	136	4

	Sec.	Par.
POLICE AND FIRE COMMISSIONERS, BOARD OF.		
Action advisory of Council	141	--
Appointment and term of	131	--
Custody and control of fire apparatus	137	--
Meetings of	133	--
Members of Police and Fire Department, shall appoint	135	--
Monthly report to Council	139	--
Organization of	132	--
Powers of, generally	136	--
Report annual to Council	138	--
Secretary of	134	--
Special policemen, appointment	136	4
Urgent necessity as to repairs, etc.	141	--
POUND.		
Council may establish, etc.	30	16
PROPERTY, CITY.		
Disposal by ordinance only	22	--
Personal school, how sold	83	16
Sales of	201	--
School, held by Board of Education	83	--
Title to	2	--
What may become such	1	--
PUBLICATION.		
Delinquent tax list	65, 66	--
Franchises	30	28, 34
Generally	214	--
Notice, meeting of Board of Equalization	56	--
Notice to bidders (School Department)	87	--
Ordinances, passage to print	22	--
Printing, Council provides for	30	17
School supplies, proposals for	92	--
RAILROADS.		
Franchises for	30	28, 34
Regulation of operation	30	27, 30
Repair of streets, by	30	31
Safety switches and signals	203	--
Steam, franchises and private owners	30	28
Steam, not to obstruct streets	30	27
Street, limits, etc., of francises	30	34
Street, per cent receipts to city	30	34
RECORDS.		
Certificate tax sales, to be recorded	72	--
Certified copies of, fee for	208	--
City Clerk's register of contracts	29	--
Clerk, city, all in custody of	38	--
Clerk's journal of Council	38	--
Clerk's record, ordinances, etc.	38	--
Treasurer's, of receipts and expenditures	40	--

	Sec.	Par.
REPORTS.		
Board of Education to City Council	83	11
Boards of officers all, annual	46	--
Board of Police and Fire Commissioners, annual	138	--
Board of Police and Fire Commissioners, monthly	139	--
Harbormaster's monthly	158	--
Superintendent of Schools to Board of Education	91	--
Treasurer's monthly, to Council	40	--
SALARIES.		
Affidavit required of certain officers	48	--
Generally	50	--
Policemen and firemen	135	--
Unauthorized	211	--
SEWERS.		
Council, powers as to	30	4, 18
Department of Streets and Wharves, controlled by	147	--
Superintendent of Streets, authority	155	--
SCHOOLS.		
Books for indigent	83	18
Children under six may be excluded	83	13
Emergency tax for	83	11
Exclusion of certain publications	83	17
Fund for	95	--
Grading, course of study, etc.	83	5
Non-resident pupils, admission of	83	15
Rules and regulations for	83	4
Supplies and incidentals	83	6
Taxation for support of	54, 83	11
Text-books in	83	5
SCHOOLS, SUPERINTENDENT OF.		
Adviser of teachers, pupils and parents	90	7
Annual supplies, estimate for	91	--
Board of Education, attendance upon	90	6
Duties of, generally	89, 90	--
Election of	89	--
Oaths, may administer certain	86	--
Recommendations as to teachers	90	5
Report, annual	90	1
Suspension of teachers by	90	4
Visitation of schools by	90	2
SCHOOL TEACHERS.		
Suspension by Superintendent	90	4
SPECIAL MEETINGS.		
Board of Education	82	--
Board of Police and Fire Commissioners	133	--
City Council	13	--
Notice of, generally	212	--

	Sec.	Par.
STOCKTON, CITY OF.		
Continuity with former corporation	3	--
Corporate powers of, generally	1 to 4	--
Elections in, general	6 to 10	--
Legislative power, where vested	11	--
Suits in corporate name	4	--
Trusts of	30	39
Wards, divided into four	5	--
STREETS AND SIDEWALKS.		
Awnings, etc., on	30	3
Banners, placards, etc., on	30	3
Entrance to cellars, etc.	30	20
Lighting of	30	3
Noisy cries, etc.	30	3
Numbering houses on	30	3
Obstruction of	30	2
Powers of Council, as to	30	1, 5
Signs, sign-posts, etc.	30	3
Telegraph and telephone poles	30	3
Use of, generally	30	3
Watering of	30	5
Within Department of Streets and Wharves	147	--
STREETS, SUPERINTENDENT OF.		
Deputy	156	--
Duties of, generally	154½, 155	--
Election of	6	--
Employes, control of	156	--
Executive, Department of Streets and Wharves	150	--
Harbormaster ex-officio, shall be	158	--
Supplies for streets and wharves	150	--
Time-book of employes	156	--
STREETS AND WHARVES, DEPARTMENT OF.		
Daily labor in, payable weekly	151	--
Employes, who fixes number of	156	--
Matters within its control, generally	147	--
Sewer system, controlled by	147	--
Supplies for, how obtained	150	--
SUPPLIES.		
Officers and buildings, for	30	17
School	92, 83	6
Streets and wharves, for	150	--
SURVEYOR, CITY.		
Duties of, generally	154	--
Election of	6	--
Salary of	50	--

TAXES.	Sec.	Par.
Assessment of, generally----------39,	55	--
Delinquent, collection of----------65,	70	--
Delinquent, when ----------	61	--
Equalization of ----------55,	56	--
General provision as to----------	54	--
Levy for general fund ----------	54	--
Levy for library fund ----------	54	3
Levy for school fund ----------	54	3
Lien of, when attaches----------55,	58	--
Lien, unsecured by, how collected----------	39	--
Ordinance, imposed by----------	22	--
Proceedings on sale for delinquent----------70,	80	--
Redemption after sale for----------	75	--
School purposes, for----------54,	58	--
Time and mode of levying----------	58	--
TELEPHONE AND TELEGRAPH.		
Council may regulate----------	30	20
Fire alarm and police----------	30	23
Wires on public streets----------	30	3
TREASURER AND TAX COLLECTOR.		
Accounts, receipts and expenditures----------	40	--
City Assessor shall be ex-officio----------	39	--
Custody of moneys, must retain----------	40	--
Duties as Tax Collector, generally----------40, 60,	73	--
Duties as Treasurer, generally ----------	40	--
Election of ----------	6	--
Fees of ----------	77	--
Payments by on audited vouchers----------	42	--
Power to collect unsecured taxes----------	39	--
Settlement with City Auditor----------63,	64	--
Special business days and hours----------	209	--
VICE-PRESIDENT OF COUNCIL.		
Election and removal of----------	14	--
Mayor's unexpired term, may fill----------	36	--
Oaths to claim, may administer----------	16	--
Pro tem. Mayor----------	36	--
Special meetings, may call----------	13	--
WATER.		
Appliances for distributing----------	30	25
City uses for, Council may provide----------	30	38
Rates, fixing of annually----------	30	25
WATERS, PUBLIC.		
Damage to, Council may prevent----------	30	19
Obstruction of, Council may prevent----------	30	9
Vessels within, Council may regulate----------	30	9

WARDS.	Sec.	Par.
Boundaries not to be changed when	24	--
Geographically compact	24	--
Number and boundaries of	5	--
Redistricting quinquennially	24	--
WHARVES.		
Buildings on conditionally prohibited	163	--
Damage or defect to be reported	159	--
Department of Streets and Wharves controlled by	146	--
Legislative powers of Council over	30	7
Permanent improvement fund for	164	--
Rent, etc., fixable by Council	161	--
Revenue from, a separate fund	161	--
Tolls and dockage	30	8

INDEX TO ORDINANCES.

AIR-GUNS. Page
Discharge of, prohibited 240, 264

ANIMALS
Driving of through city 243
Hitching of to trees, etc., prohibited 245
Pasturing, etc., on streets unlawful 244
Running at large, etc. 101, 102
Slaughtering of prohibited 251

ASHES.
Unlawful deposit of, generally 248
Unlawful deposit of, in street 244

ASSEMBLAGE.
Obstructing public way 245
Places of, entrances, etc. 245

ATTORNEY, CITY
Drafting ordinances and contracts 39

AUTOMOBILES.
Speed over eight miles an hour prohibited 260

BALCONIES, ETC.
What unlawful 241

BALL-PLAYING.
On public ways prohibited 244

BARBED WIRE.
Use of, in fencing prohibited 251

BILLS, POSTERS, ETC.
Defacing, etc., of, unlawful 251
Depositing in public ways 244
Placing advertisements, etc., on city property unlawful ... 255

BICYCLES, ETC.
On sidewalks, etc., prohibited 245
Regulations regarding use of 252

BONDS.
Issue, sale and redemption of 105, 112, 115, 118
Municipal Improvement Funds, Nos. 1, 2, 3, 4 ..... 105 to 108
Municipal Improvement Fund, No. 5 ..... 108 to 112
Municipal Improvement Funds, Nos. 6 and 7 ..... 112 to 115
Municipal Improvement Funds, Nos. 8 and 9 ..... 115 to 118
Municipal Improvement Fund, No. 10 ..... 118 to 121
Official 55

BURGLARS' TOOLS.
Unlawful possession of 240

BUILDINGS. Page
Aisles of public, obstructing 249
Entrances of public 249
Erecting without permit 266
Letting, for immoral purposes 240
Letting, where infected with disease 250
Moving on streets regulated 72, 73
Moving on streets without permit 242
Non-combustible material in fire districts 253
Numbering, neglect of 251
Numbering of 73, 74
Projecting over public ways 242, 243
Sleeping apartments, air in 251
When deemed public laundry 250
Within fire districts 247

BURIAL.
Of persons, permit required 250

CATTLE.
Driving through city 243
Impounding of 101
Tying, to trees, etc. 245

CEMETERIES.
Exhumation and removal of human remains 127

CHIEF ENGINEER FIRE DEPARTMENT.
Acting 52
Companies, to consist of 52
Employes, compensation of 53
Fire alarm apparatus, permit 248
Fire alarm bell, permit to ring 248

CAPTAIN OF POLICE.
Created, duties, salary 53

CHIEF OF POLICE.
Direction as to permits by 39
Permit as to fireworks, etc. 240

CHANNELS.
Damaging, by deposits 246
Stockton channel—Preservation of the navigation of 129

CITY CLERK.
Auditor, ex-officio 39
License Collector, ex-officio 88
Licenses issued by 88
Ordinances, etc., record of 39

CONCEALED WEAPONS.
Carrying, a misdemeanor 240

CONVEYANCES AND CONTRACTS.
See list of 135, 136

	Page
COUNCIL, CITY.	
Permit of projections over public ways	243
Permit to repair within fire districts	247
Permit to store petroleum	249
Select material for certain street repairs	245
Sidewalk, width of in certain cases	65
DISORDERLY RESORTS.	
Misdemeanor as to	240
DOGS.	
Impounding of	109
License for	100
Misdemeanor of owner of	244
DOORS AND DOORWAYS.	
Misdemeanor as to	249
DRAINS.	
Of laundries, misdemeanors as to	259
DRIVING OR RIDING.	
Crosswalks, at or on	243
Speed of, regulated	243
EMPLOYES.	
Salaries of	56
EXPLOSIVES.	
Unlawful storage of	249
FEES.	
Poundkeeper's	101
Surveyor's	54
FILTH AND RUBBISH.	
Deposit in public channels	246
Deposit in public ways	244
Garbage and refuse incinerator	79, 80
Health, as affecting	250
Portage of, certain times and streets	244
FIREARMS.	
Discharge of, prohibited	240, 264
FIRES.	
Precautionary prohibitions	248
FIRE DEPARTMENT.	
Apparatus, damaging	248
Apparatus, right of way for	243
Compensation, employes in	53
Exempt firemen's relief fund, trustees for	128
False alarm, giving	248
Fire alarm, interfering with	248
Fire hydrants and cisterns, protection of	255
Number of employes determined	52
Obstructing apparatus or members	248
Water, use of certain during fires	248

FIRE DISTRICTS. Page
Created and bounded 51, 52
Fire walls of buildings within 247
Hay, storage of within 249
Permit to repair 247
Repairing buildings within 247
Roofs of buildings within 247
Sidewalks within 247
Walls of buildings within 247

FRANCHISES.
Alameda and San Joaquin Railroad Co. 158, 164, 167, 169
American River Electric Co. 228, 229
Atchison, Topeka and Santa Fe Railway Co. 175, 231
Central California Traction Co. 210, 213, 215
Central Natural Gas Co. 223
Central Pacific Railroad Co. 141, 142, 145, 147, 148, 149, 152
Citizens' Natural Gas Co. 220
H. H. Griffiths and others (street railroad) 206
James A. Louttit and others (street railroad) 199
Jerome Haas and others (gas) 217
J. F. Miller and others (railroad) 153, 154
John Jackson (gas) 221
Northern Natural Gas Co. 218
Sacramento and San Joaquin Valley Railway Co. 184
San Francisco and San Joaquin Valley Railway Co. 155, 163, 177, 179, 182
Southern Pacific Co. (railroad) 143, 144, 145
Stockton and Copperopolis Railroad Co. ..... 137 to 141
Stockton Electric Railroad Co. 203
Sunset Telephone and Telegraph Co. 225
W. S. McMurtry and others (water) 227
Western Pacific Railway Co. 171, 186, 190, 195
Western Union Telegraph Co. 224

FUNDS.
Hazelton Bequest 238
Municipal Improvement, Nos. 1, 2, 3, 4 ..... 105 to 108
Municipal Improvement, No. 5 ..... 108 to 112
Municipal Improvement, Nos. 6 and 7 ..... 112 to 115
Municipal Improvement, Nos. 8 and 9 ..... 115 to 118
Municipal Improvement, No. 10 ..... 118 to 121
Urgent necessity 54

GAS.
Certain acts a misdemeanor 125
Minimum standard quality and illuminating power 125

GRADES.
Streets, sidewalks, etc ..... 56 to 64, 67, 68

HACKMEN, RUNNERS, ETC.
Misdemeanors by 246
Posting rates in vehicle 122
Rates of fare fixed 122

HARBOR CHARGES. Page
Harbormaster collects 41
Misdemeanor as to 247
Payable in advance 103
Penal sum for non-payment of 103
Recoverable in civil action 104
Rental for wharves, etc., monthly 104
Tonnage rates fixed 103
Wharfage rates 103

HARBORMASTER.
Accounts of 41
Collects wharf rates and revenue 41
Duties of, generally 39
Obstruction of wharves, shall prevent 40
Permit by, as to payments 40
Receipt of Treasurer, shall take 41
Receipt for wharfage, etc. 41
Report of, monthly 41
Salary of 56
Unremoved merchandise, generally 40
Vessels at wharf, may regulate 39

HEALTH AND HEALTH OFFICERS.
Board of Health, creating a 43, 44
Board of Health, duties and powers 41
Burial without permit of 250
Certificate for laundries, monthly 250
Contagious diseases, in case of 41
Contagious diseases to be reported 250
Drainage of laundries 250
Expenses of Health Officers 43
Health Officer, duties and powers 42, 43
Health Officer, providing for a 43, 44
Infected houses, letting without permit 250
Milk inspector 44, 45
Misdemeanors, in relation to 250
Neglect to cleanse, after notice 250
Nuisances, abatement of 42
Pesthouse, leaving without permit 250
Quarantine, powers of 41, 42
Violation orders of 250

HITCHING POSTS.
Damaging of, unlawful 245
Lawful when 242

INTOXICATION.
Certain, a misdemeanor 240

INTOXICATING LIQUORS.
License not issuable in certain cases 91, 92
License required for dealing in 91
Sale of regulated 91 to 100

LANDS.
Conveyances and contracts 135, 136

LAUNDRIES. Page
Certificate of Health Officer, monthly 250
Drainage of 250
Misdemeanor in conduct of 250

LIBRARY, FREE PUBLIC.
Act in relation thereto 232
Hazelton Library Bequest, providing for 234
Real property for Public Library purposes 239
Will of W. P. Hazelton, extract from 238

LICENSES.
Intoxicating liquors, for dealing in 91 to 100
Misdemeanor in relation thereto 100
Permit precedent to certain 91, 92
Rates of 89, 90, 95
Regulations as to, generally 88
Required of what business 89, 90, 92

MAP.
Grades of streets, indicating 56, 61
Mormon and Stockton channels 69, 70
Official map of city 81

MAYOR.
Direction as to permit 39
Permit to build projections over streets 243
Permit to fire cannon, etc. 240
Permit to move buildings 242

MINORS.
In certain places at night 241
On streets at night 241

MISDEMEANORS.
Advertisements on city property, placing of 255, 274
Apparatus, steam, on streets, etc. 243
Ashes, unlawful deposit of 244
Automobiles, speed over eight miles an hour 260
Awnings, etc., over public ways 241
Ball-playing on public ways 244
Banners, etc., across streets 243
Barbed wire, use for fencing 251
Bicycles, etc., on sidewalks 245
Bills, cards, etc., deposit in streets 244
Bills, posters, etc., defacing 251
Bonfires, carelessness as to 248
Buildings, erecting without permit 266
Driving above eight miles per hour 243
Driving carelessly at crosswalks 243
Driving loose animals on streets 244, 261
Explosives, as to storage of 249
False alarm of fire, giving 248
Fire alarm, tampering with 248
Firearms, firing of 240
Fire Department, driving over hose of 243

MISDEMEANORS (Continued).

	Page
Fire Department, obstructing	248
Fire districts, certain building in	247
Fires in open air, carelessness	248
Fireworks, setting off	240
Gambling implements, possession of, etc.	241
Garbage, offal, etc., deposit of	245
Gas, certain acts	125
Hackmen, etc., charging certain rates	246
Hackmen, etc., violation of certain rules	246
Harbor dues, etc., neglect to pay	247
Hats, prohibiting wearing of, in theaters, etc.	256
Hay and straw, as to storage of	249
Hitching posts, damaging, etc.	245
Hogs, within city limits	265
Immoral resorts, frequenting, etc.	240
Intoxication on streets, etc.	240
Irrigation, certain times and sources	248
Keno, gambling game of	257
Laundries, as to drainage of	250
Laundries, conduct without certain certificates	250
License, doing business without	91, 247
Lights not on obstructions on streets	265
Light, power and heat companies refusing to furnish statements	271
Machinery and vehicles with projections on improved streets	261
Minors on streets at night	241
Minors, permitting in certain places at night	241
Numbering houses, neglect of	251
Obstructing public ways	241
Obstruction of ways by crowd	245
Papers, bills, etc., deposit in streets, etc.	244
Passages, public halls, obstructing	249
Pasturing on public ways	244
Pawnbrokers, neglect to keep a record book	259
Pedestrians on crosswalks, imperiling	243
Pesthouse, leaving without permit	250
Petroleum, as to conveyance of	273
Poolselling or bookmaking	262
Posts, pillars, etc., on public ways	241
Privies not properly connecting with sewer	260
Projections over public ways, certain	242, 263
Prostitution, soliciting	241
Public ways, obstruction of	241
Railroad cars, children boarding, etc.	254
Railroad cars, obstructing, etc.	246
Railroads, irregular boarding, etc.	246
Railroads, speed over eight miles an hour	243
Remedies left outside of premises	267
Repair of streets, etc., neglect of	242
Repairs, certain, in fire districts	247
Report of certain diseases, neglect to	250
Roofs, combustible, in Fire Districts	247
Rubbish, deposit in public ways	244
Second-hand dealers, neglect to keep a record-book	259

MISDEMEANORS (Continued). Page

Signals at street crossings of railways, not placing 274
Signs, etc., over public ways 243
Slaughtering animals 251
Sleeping rooms, as to air in 251
Slot machines, etc. 256
Sprinkling streets, companies or corporations failing to do so 267
Steamboats, etc., speed over five miles per hour 246
Stove-pipes, etc., as to placing of, etc. 248
Street paving work, interfering with 272
Streets and sidewalks, neglect to repair 242, 245
Streets and sidewalks, obstruction of 241
Street work without permission, etc. 269
Telegraph and telephone apparatus, as to 250
Transporting offensive matter, as to 244
Trees, cutting down or removing 264
Trees, hitching to 245
Trees, neglect to trim 244
Unlawful practices, letting premises for 240
Vehicles, as to tires of 245
Vehicles obstructing passages 242
Vehicles, rough-locking wheels of 245
Watercocks, certain, leaving open 248
Weeds in sidewalk space 257, 268
Wharf, neglect to remove goods from 251
Wharfage, etc., neglect to pay 247

NUISANCES.

Expectoration in public places 255
Health officers and certain 42
Public ways, etc., as to 241 to 245

OBSTRUCTIONS.

Aisles of public halls, etc. 249
Crowds on streets, by 245
Public ways, generally 242
Wharves, etc. 40

OFFICERS.

Duties of certain 39 to 43
Salaries of, generally 56
Surveyor, special compensation of 54
Trustees of Free Public Library 235

ORDINANCES.

Bond issues, relating to 105
Catalogue of 275
Conveyances, etc., relating to 135
Franchises 137
Free Library 232
Licenses and revenues 88
Miscellaneous 122
Misdemeanors, relating to 240
Officers and organization, as to 39
Pawnbrokers, etc., regulations for 253
Streets, sidewalks, etc., as to 56 to 69

PENALTY. Page
Children boarding cars, for 254
Misdemeanors in general, for 251

PERMITS.
Buildings, to erect 266
Buildings, to move on streets 72, 242
Buildings, to repair in fire districts 247
Burial of deceased persons, for 250
Cannon, etc., to discharge 240
Concealed weapons, to carry 240
Direction of officers, as to 39
Fire alarm bell, to ring 248
Fire alarm telegraph, to disturb 248
Fireworks, to set off 240
Harbor dues, etc., to postpone payment 103, 104
Letting infected premises, for 250
Licenses, precedent to 93
Minors on street at night, for 241
Petroleum, for storage of 249
Projections over public ways, for 243
Repairing streets under franchise 245
Steam apparatus on streets, for 243
Telegraph apparatus, etc., to disturb 250

PETROLEUM.
Unlawful storage of 249

POLICE.
Captain of, creation and compensation 53
Chief of, permits by 39
Health Officers, duties as to aiding 42
Relief, health and life insurance and pension fund 127
Salaries of 56

POLICE AND FIRE COMMISSIONERS.
Duties and powers in relation to certain licenses 94

POUND AND KEEPER.
Animals subject to impounding 101
Duties, powers and fees of keeper 101, 102
Established and authorized 102

PROSTITUTION.
Soliciting, a misdemeanor 241

PUBLIC SQUARES.
Public squares, protection of 254

RAILROADS.
Boarding and landing from 246, 254
Franchises for 137 to 217
Obstructing cars of, unlawful 246
Regulations at depots, etc. 246
Repairs between tracks 245
Speed of, limited 246

RIDING OR DRIVING.
On or near crosswalks 243
Over eight miles per hour 243
Over hose of Fire Department 248

SALARIES. Page
Captain of Police 53
City officers, generally, of 56
Health Officer 44
Policemen 56
Surveyor, special compensation 54

SALOONS.
Licenses for ..... 88, 91 to 109
Minors not to remain in at night 241
Schoolhouses distance from regulated 92

SEWERS.
Branch, construction and use regulated 260
Privies, connection required 260
Public, connections with regulated 260
Public, connections with required 260
Regulation of, generally 260

SIGNS.
Certain unlawful 243

SIDEWALKS.
Awnings, balconies, etc., over 241
Bridges, chutes, etc., regulated 71
Combustible, prohibited in fire districts 247
Definition of 65
Exhibiting merchandise, use for 242
Grade of ..... 56 to 67
Manner of construction of 66
Material of 66
Neglect to repair 242
Obstruction of, generally 241
Projections over, generally 242
Signs, banners, etc., on 243
Transfer of merchandise over 242
Trimming trees on 244
Width of, generally 65, 66
(See misdemeanors.)

STOCKTON CHANNEL.
Preservation of the navigation of 129

STREETS.
Acceptance of dedications 81
Accepted, list of 81, 82
Accepted conditionally, list of ..... 83 to 87
Ball-playing on 244
Bridges, chutes, etc., over 71
Buildings on in process of removal 72, 73
Carpet cleaning on 244
Changing names of certain 73
Changes in grades of certain ..... 57 to 60
Closing parts of Aurora and Poplar 70
Closing parts of Sutter and Willow 74, 75
Companies or corporations failing to sprinkle 267
Crowds obstructing passage of 245
Curb line, location of on certain 67
Definition of terms as to 65
Dogs thereon without license tags 100, 101

STREETS (Continued). Page
Driving at or near crosswalks 243
Driving loose animals thereon 244
Driving over eight miles per hour 243
Excavations in 75 to 79
Grades of 56, 57
Neglect to repair 242
Numbering entrances from 73, 74, 251
Posts, pillars, etc. 241
Projections over 242
Repairs between railroad tracks 245
Rough-locking wheels on certain 245
Rubbish, etc., deposit of 244
Scraps, paper, etc., deposit of 244
Signs, placards, etc., on 243
Steam apparatus on 243
Tires of wheels and loads 245
Transporting offensive matter on 244
Vehicles, etc., impeding passage 242

STEAMBOATS.
Speed of 246

SURVEYOR, CITY.
Special compensation of 54

TREES.
Cutting down or removing 264
Hitching to 245
Neglect to trim 244
When lawful in streets 242

VAULTS, ETC.
Cleansing of 250

VEHICLES.
Impeding passage of streets 242
Leaking, dropping or spilling 79
Posting rates of fare therein 122
Tires and loads of 245
With projections on improved streets forbidden 261

VESSELS.
At wharves, regulated 39
Tonnage, harbor dues, etc. 104

WALLS.
In fire districts 247

WARDS.
Boundaries of 81
Dividing the city into 80

WATER.
Measured by meter or otherwise, rates of 124
Monthly rates 122
Rates of, established 122
Rules governing consumers of 258
Use of certain, during fires 248

WHARVES.
Use of, regulation of 40

WINDOWS.
Projection over public ways 242

NOTE INTRODUCTORY TO CHARTER

The City of Stockton was originally incorporated under a general Act of the Legislature entitled "An Act to provide for the incorporation of cities," passed March 11, 1850.

The following order of incorporation was made and entered in the County Court (Benjamin Williams, County Judge, presiding) on the twenty-third day of July, 1850:

"A petition from the citizens of Stockton praying that the town might be incorporated under the name of the City of Stockton, according to the provisions of an Act to provide for the incorporation of cities, was this day presented to the Court, and it appearing to the satisfaction of the Court that said town had a population exceeding 2,000, that a majority of the qualified electors thereof have signed the above petition, and that legal notice has been given of the aforesaid application. it is therefore ordered by the Court, after hearing said application, that in accordance with the prayer of said petition, said town is incorporated by the name of the City of Stockton, with the following boundaries, to-wit: On the north by Flora street, on the east by Aurora street, on the south by Twiggs street, on the west by Bragg street or Tule street, as shown by Hammond's survey of said town, a map of which is deposited with this Court.

"It is further ordered that the Common Council to be chosen under this Act of incorporation shall consist of seven members.

"It is further ordered that notice be given of an election, under the above Act of incorporation, to be held at the Central Exchange, in Stockton, on Thursday, the first day of August, A. D. 1850."

[See Minute Book A of the County Court, page 17.]

As to reincorporations, see index to Statutes at the end of this volume.

A copy of the map mentioned above is annexed to the order as entered in Judgment Book "A" of the County Court, page 6, and the original thereof is filed in the County Recorder's office.

A map made by Duncan Beaumont, City Surveyor, was, on August 3, 1860, adopted as the official map of the city. The boundaries of the city as delineated thereon are the same as in the order and map above mentioned.

A map by H. T. Compton, City Surveyor, was, on July 23, 1894, adopted as the official map of the city. On this map the boundaries of the city correspond with the present legislative description thereof, viz.:

"The government and jurisdiction of the City of Stockton shall extend over all that portion of the County of San Joaquin bounded north by the north line of North street, south by the south line of South street, said lines extending west to the line of Tule street, half a mile, east by the east line of East street, as said streets are now laid out, dedicated and known in said city, and west by a line parallel with Tule or Bragg street, and half a mile west from said street and intersecting with the continuation of said north and south lines westerly."

The three maps above mentioned are the only official maps ever adopted of the entire city.

CHARTER

OF THE

CITY OF STOCKTON

Ratified by the Electors, November 20, 1888.
Approved by the Legislature, March 2, 1889.
Also the Amendments ratified by the Electors on the 19th day of May, 1903, and approved by the Legislature January 24, 1905.

BOUNDARIES, RIGHTS AND LIABILITIES.

Section 1. The municipal corporation now existing, known as the City of Stockton, shall remain and continue a body politic and corporate, in name and in fact, by the name of the City of Stockton, and by that name shall have perpetual succession, may sue and defend in all Courts and places, and in all matters and proceedings whatever, and may have and use a common seal, and the same alter at pleasure, and may purchase, receive, hold, and enjoy real and personal property, within and without the City of Stockton, and sell, convey, mortgage, and dispose of the same for the common benefit; and may determine and declare what are public uses and when the necessity exists of condemning lands therefor, and what are the lands it is necessary to condemn, and may receive bequests, gifts, and donations of all kinds of property, within and without the city, in fee simple or in trust for charitable or other purposes, and do all acts necessary to carry out the purposes of such bequests, gifts, and donations, with power to manage, sell, lease, or otherwise dispose of the same, in accordance with the terms of the gift, bequest, or trust.

Sec. 2. The public buildings, lands and property, all rights of property, and rights of action, all moneys, revenues, and income belonging or appertaining to the City of Stockton are hereby declared to be vested in the said City of Stockton.

Sec. 3. The said City of Stockton shall continue to have, hold, and enjoy all public buildings belonging to the City of Stockton, lands, wharves, waters, property real and personal, rights of property, rights of action, suits, actions, moneys, revenue, income, books, documents, records, archives, claims, demands, and things in possession and action, of every nature and description and shall be subject to all the obligations, debts, liabilities, dues, and duties of the existing municipality.

Sec. 4. Suits, actions, and proceedings may be brought in the name of the City of Stockton for the recovery of any property, money, or thing belonging thereto, in law or equity, or dedicated to public use therein, or for the enforcement of any rights of, or contracts with said City of Stockton, whether made, or arising, or accruing before or after the adoption of this Charter; and all existing suits, actions, and proceedings, in the Courts or elsewhere, to which said city is a party, shall continue to be carried on by or against the said City of Stockton.

Sec. 5. The City of Stockton shall be divided into four wards, the respective boundaries of which shall be as follows, to-wit:

First Ward—All the territory within the limits of said city south of the center of Main street and west of the center of Sutter street.

Second Ward—All the territory within the limits of said city north of the center of Main street and west of the center of Sutter street.

Third Ward—All the territory within said city south of the center of Main street and east of the center of Sutter street.

Fourth Ward—All the territory within said city north of the center of Main street and east of the center of Sutter street.

ELECTIONS.

Section 6. General municipal elections shall be held biennially on the third Tuesday in May, commencing with the third Tuesday in May, 1905. Except as in this Charter otherwise provided, all city officers shall be elected by the qualified electors of the city and at a general municipal election, and their term of office shall be two years, beginning at 12 o'clock meridian on the first Tuesday in June next after their election, and they shall serve until their successors shall be elected and qualified. In the absence of specific provision in this Charter otherwise the term of every officer, including the Chief of Police and Chief Engineer of the Fire Department, shall be two years. An officer shall be deemed qualified within the meaning of this section when he has taken the oath of office and filed the same, together with his official bond, if by this Charter a bond is required of him. [Amended.]

Sec. 7. The provisions of title two, part three, of the Political Code, relating to elections, and all laws amendatory thereof and supplemental thereto, and all rights, duties, liabilities, and restrictions arising thereunder, not inconsistent with the provisions of this Charter, are hereby, so far as the same can be applied, made applicable to all municipal elections; and the respective officers of the city shall have, possess, and perform such powers and duties in all matters relating to municipal elections as are by law conferred or imposed upon county officers and officers of election in State and county elections; and to that end, all rights, powers, and duties so by law conferred or imposed upon the Board of Supervisors, are hereby conferred upon the Council; and all rights, powers, and duties so by law conferred or imposed upon the County Clerk are hereby conferred and imposed upon the City Clerk, except as in this Charter provided.

Sec 8. [Repealed and annulled.]

Sec. 9. Only such persons residing in the city, whose names appear upon the Great Register of San Joaquin County at the time of any municipal election, shall be entitled to vote at such election; and to this end and extent, said Great Register is hereby adopted as the register of voters in and for the city. The Council shall cause the authenticated copies of such Great Register to be made and used at and for all municipal elections.

Sec. 10. The certificates of election issued by the City Clerk must be authenticated with the seal of the city. No other authentication shall be necessary.

LEGISLATIVE DEPARTMENT.

Section 11. The legislative power of the City of Stockton shall be vested in a Council consisting of the Mayor and eight Councilmen. [Amended.]

Sec. 12. Councilmen shall be elected at the general municipal election. At the election held in 1905 there shall be elected one Councilman by each of the four wards of the city, and one Councilman selected from each of the four wards and elected by the city at large. The term of office of a Councilman shall be four years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and his salary shall be fixed by the City Council at a sum not exceeding $300 per year. Provided, however, that of those Councilmen elected at said election in 1905, the terms of office of the Councilmen-at-Large, from the First and Fourth Wards, and of the ward Councilmen from the Second and Third Wards, shall expire at the end of two years. Each Councilman shall be, at the time of his election, a resident of the ward from which he is elected or selected. [Amended.]

Sec. 13. The Council shall meet and organize on the first Tuesday of June after the election of its members, and at such other times as may be designated by resolution or ordinance. Special meetings may be called by the Mayor or five members of the Council. Five members of the Council shall be a quorum, and the affirmative vote of five members shall be necessary to pass any measure, but a less number than five may adjourn from day to day, and compel the attendance of absent members in such manner and under such penalties as the Council may prescribe. The action of the Council at special meetings shall be confined to the matters specified in the notice. [Amended.]

Sec. 14. The Council shall annually elect a Vice-President from its own members, who may be removed by an affirmative vote of not less than five members of the Council. [Amended.]

Sec. 15. The Council shall establish rules for its proceedings. It shall have the power to punish its members for disorderly conduct in its presence, and may expel any member for malfeasance in office by an affirmative vote of five of its members. The Council shall also have the power to compel the attendance of witnesses, and the production of all papers relating to any business properly before that body. [Amended.]

Sec. 16. The Mayor, the Vice-President of the Council, and the Chairman of each committee, and each and every city officer (except policemen and firemen) shall have the power to administer oaths and affirmations relating to any business brought before the Council or under consideration by their respective departments. [Amended.]

Sec. 17. No ordinance shall be amended by reference only to its title, but when any ordinance is amended the section or sections thereof shall be re-enacted at length as amended.

Sec. 18. Every ordinance shall embrace but one subject, which shall be clearly indicated in the title. In all cases where the subject is not so expressed in the title, the ordinance shall be void as to the matter not expressed in the title.

Sec. 19. When any bill is put upon its final passage and fails to pass, if a motion is made to reconsider, the vote upon such motion

shall not be taken until the next meeting of the Council. No bill for the grant of any franchise shall be put on its final passage within thirty days after its introduction.

Sec. 20. Every bill, after it has passed the Council, shall be certified to by the Clerk, under the seal of the City of Stockton. And every bill which shall have passed the Council, and have been thus authenticated, shall be presented to the Mayor for his approval. The Mayor shall return such bill to the Council within ten days after receiving it. If he shall sign the same it shall then become an ordinance, but if he shall disapprove the bill, he shall state his objections thereto in writing. If the bill is not returned with such approval or disapproval within the time specified, it shall take effect as if he had approved the same. And every resolution carrying the appropriation of money, after it shall have been adopted by the Council, shall be subject to veto by the Mayor, the same as an ordinance. [Amended.]

Sec. 21. When a bill is returned without the approval of the Mayor, the Council shall, within thirty days thereafter, proceed to consider and vote on the same. If the bill is again passed by an affirmative vote of not less than six members, it shall take effect as if the Mayor had approved the same. If the bill shall fail on being so considered to receive six affirmative votes, it shall then be finally lost. The vote shall be taken by ayes and noes, and the result shall be entered in the minutes of the Council. [Amended.]

Sec. 22. The action of the Council shall be by ordinance or resolution. To constitute an ordinance, a bill must, before final action thereon, be passed to print, and published, with the ayes and noes, for ten days; and in case of any amendment being thereafter made, must in like manner be republished as amended for not less than five days. No action providing for any specific improvement, or the granting of any privilege or involving the lease, appropriation, or disposition of public property, or the expenditure of public money (except sums of less than $5,000), or the levying of any tax or assessment, or the imposing of any new duty or penalty, shall be taken, except by ordinance. The Council shall have power to provide by resolution for extraordinary expenditure in case of public disaster or distress. [Amended.]

Sec. 23. No ordinance passed by the Council shall take effect until ten days after its passage and approval, unless otherwise provided in the enactment.

Sec. 24. The Council shall, in the year one thousand, nine hundred and five, and every fifth year thereafter, redistrict the city into four wards, making the same as nearly equal in population and as geographically compact as possible, but the city shall not be so redistricted within ninety days previous to any municipal election. Provided, however, that should any additions be annexed to the city, that the new territory shall be added to and made a part of the respective contiguous wards. [Amended.]

Sec. 25. The Council shall, during the first year after its organization under this Charter, cause all ordinances then in force to be classified under appropriate heads, and shall provide for the publication of the same in book form. Every officer of the city shall be entitled to one copy of such ordinances, without charge, and every citizen applying for a copy shall be entitled to the same at the cost of

publication. The Council shall, every five years after the publication as herein provided, cause all the Ordinances at that time in force to be compiled, and shall publish the same, subject to the terms and conditions herein expressed.

Sec. 26. The enacting clause of all Ordinances shall be in these words: "Be it ordained by the City Council of the City of Stockton as follows."

Sec. 27. No contract for lighting streets, public buildings, places, or offices, shall be made to pay for power or for gas, electric lights, or any other illuminating material at a higher rate than is charged to any other consumer. [Amended.]

Sec. 28. No contract for the supplying of water for the use of the municipality, in any of its departments, shall be made wherein the rates exceed those charged to other consumers.

Sec. 29. All contracts must be in writing, executed in the name of the city, and by an officer authorized to make the same. The form and legality of all contracts shall be submitted to and passed upon by the City Attorney. Every contract must be countersigned by the City Clerk, numbered, and registered in a book kept for that purpose. [Amended.]

Sec. 30. The Council shall have power to pass Ordinances:

1. To establish or alter the grades of, and to open, lay out, close, straighten, widen, or otherwise improve or regulate streets, alleys, lanes, and sidewalks upon the same; determine the width of sidewalks and streets, and the grade of the same, and to provide for acceptance of streets when constructed and completed, in accordance with such regulations as the Council may adopt. Also, to open, lay out, and construct, alter, repair, and vacate walks, crosswalks, avenues and thoroughfares in or over any plaza, park, or grounds belonging to or under the control of the city.

2. To regulate or prohibit traffic and sales in streets, highways, and public places; to prevent encroachments upon, or obstructions to the same, and to require their removal.

3. To regulate the laying of telegraph or telephone wires in or upon the public streets; erecting of gas and electric lights therein; the numbering of houses on the streets and avenues; the naming of the streets, avenues, public places, and thoroughfares; the crossing of streets, avenues, sidewalks, and gutters; the use of streets and sidewalks for signs, signposts, awnings, awning-posts, horse-troughs, telegraph-posts, and other purposes; the exhibiting of banners, placards, or flags, in or across the street or from houses or other buildings; public cries, advertising and other noises, steam whistles, and the ringing of bells in the street; the use of the streets and public places for foot passengers, animals, vehicles, cars and locomotives.

4. To regulate the building and repairing of sewers; and it shall establish a general and comprehensive system of sewers in the city.

4½. To regulate and control the planting, cutting and removing of shade and ornamental trees on the streets, sidewalks, and public thoroughfares of the city.

5. To provide for and regulate street pavements, crosswalks, curbstones, grades, gutters, sewers, lighting, oiling and watering of the streets, avenues, and public places.

6. To regulate dispensaries, hospitals, markets, and other public institutions.

7. To provide for the construction and repair of bridges, wharves, docks, piers, slips, ferries, and public places.

8. To fix, regulate, and collect tolls, wharfage, and dockage.

9. To regulate the moving and anchoring of vessels within the waters of the city, and to prevent obstruction to the free navigation of the same.

10. To make regulations for preventing and extinguishing fires, establishing fire districts, preventing the erection or repairing of wooden buildings or any buildings composed of combustible material therein, and for restricting the height of buildings or structures. To make such rules and regulations concerning the construction and use of buildings as may be necessary for the safety of the inhabitants; to provide for the examination, approval, or disapproval of the plans and specifications of all buildings about to be constructed, and to prevent the construction thereof contrary to the provisions of any Ordinance; to provide for the examination of all buildings, and the removal thereof if found unsafe or constructed contrary to Ordinance.

11. To declare what shall constitute a nuisance, and abate the same.

12. To provide and maintain a morgue.

13. To prohibit or suppress all houses of ill-fame, all occupations, houses, places of amusement, exhibition, and practices which are against good morals, and contrary to public order and decency, or dangerous to the public safety.

14. To regulate or prohibit the sale, storage, and use of powder, fireworks, dynamite, nitroglycerin, and other explosive or combustible materials and substances, the places of their manufacture, storage, and their transportation.

15. To regulate the maintenance of acid works, slaughter-houses, wash-houses, laundries, tanneries, offensive trades, and all other manufactories, works, and business of every description that may endanger the public safety, health, or comfort; and to restrict the prosecution thereof to such fixed limits as may seem proper, or exclude such works and business from the city.

16. To prevent or regulate the running at large of any animals; to establish a pound, and to authorize the destruction or impounding of any animals running at large, and to appoint a poundmaster, defining his term of service, his powers and duties, and fix his compensation.

17. To provide for the public printing, and to provide suitable rooms and buildings for the Courts, Boards and officers of the city, and such furniture, fuel, lights, and stationery and other supplies of any kind necessary for the convenient transaction of public business, but nothing in this subdivision shall prevent action by resolution where the amount of expenditure is within the amount specified in the exception clause of Section 22.

18. To regulate the construction, repair, and use of sewers, sinks, gutters, wells, cesspools, and vaults, and to compel the connecting, cleaning, or emptying of the same, and to designate the time and manner in which the work shall be done.

19. To prevent throwing into any stream, creek, or bay, or any body of water, from vessels, wharves, or other places, any dirt, ballast, ashes, garbage, dead animals, or other materials that may obstruct the same or pollute the waters thereof.

20. To regulate or prohibit the use of steam, gasoline, electric and other engines, the location of telegraph and telephone poles and wires, awnings, and hanging signs, and the construction of entrances to cellars and basements from sidewalks.

21. To establish hack stands, and regulate the rates and charges of hacks and other licensed vehicles.

22. To regulate the entrance to and exit from theaters, lecture-rooms, public halls and churches, and the number and construction of such entrances and exits, and to prohibit the placing of chairs, stools, benches or other obstacles in the aisles of such buildings.

23. To maintain and regulate a fire alarm and police telegraph.

24. To regulate and control the business of pawnbrokers, junk dealers, intelligence offices, and prescribe the mode of conducting the same.

25. To fix and determine, annually, the rates of compensation to be collected by any person, company, or corporation in the city for the use of water supplied to the city or the inhabitants thereof; to fix and determine the rate of compensation to be charged and collected by any person, company, or corporation in this city for the use of telephones; and determine the maximum rate of compensation to be charged by any person, company, or corporation supplying gas, electric or other illuminating power in this city; and to prescribe penalties for the violation of all ordinances passed in reference to matters contained in this subdivision.

26. To regulate the quality, capacity, and location of electric wires, water and gas pipes, mains, and fire-plugs, and to provide for and regulate the construction and repair of hydrants, fire-plugs, cisterns, pumps, and such other appliances as may be requisite to utilize the distribution of water, electricity and gas in the streets, public places, and public buildings.

27. To regulate the speed and conduct of railway engines, and to require railway companies either to station flagmen or place sufficient warning signals and signal bells at street crossings.

28. To grant franchises permitting any company or corporation to lay and maintain tracks, and to pass with steam railroads, operated by steam or other motive power, along, upon, and across, or elevated above or placed below any streets of the city; provided, that the free use of said streets shall not be unnecessarily obstructed thereby; and such franchises shall be granted only after notice published for two weeks and by ordinance passed by the votes of six members of the Council. Such grants shall be without prejudice to the rights of the owners of property to compensation for damages.

29. The grant of a franchise shall be a delegation of the right to condemn private property for public uses upon compensation being made therefor as provided by law.

30. To grant the right to construct, and to regulate and control the construction thereof, to railroad corporations, of pipes, tubes, conduits, signal bells, warning signs, wires, and other electric, telegraph, and mechanical appliances. in, along, over, across, and under the streets; provided that said appliances be so constructed as not to interfere with the free use of the sidewalks and streets.

31. To require every railroad company to keep the streets in repair between the tracks, and along and within the distance of at least two feet upon each side of the tracks occupied by the company.

32. To determine fines, forfeitures, and penalties for the violation of any ordinance or any provision of this Charter.

33. To make all needful rules to govern the official conduct and duties of all officers of the city whose duties are not defined by this Charter, and to fix and regulate the charges and fees of all such

officers, where the fees are not otherwise fixed, and to compel the payment of all such charges and fees into the City Treasury.

33½. To provide for the appointment of special superintendents on work being done under contract.

34. To grant franchises for the construction of street railroads on and along the streets of the city; provided, that whenever application is made for such franchises the Council shall by resolution cause a notice of such application to be published for twenty days, and shall in said notice specify the route along which it is proposed to construct such road, and shall offer to grant the franchise to the persons, company, or corporation that shall agree to pay to the City of Stockton at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of such road, according to a verified statement of the same; and, provided further, that in all grants of franchises for street railroads it shall be made a condition that single fares on such roads shall not exceed five cents, and that only such rails shall be laid down as are the most approved pattern for street railways operated by horses, mules, cables, or other motors than steam. The Council may reject all bids, and may refuse to grant a franchise for the proposed route; and, in case no bids are made, may, in their discretion, grant a franchise for such a period as may be deemed most expedient. Franchises for street railroads to be operated by horses or mules shall not exceed twenty-five years; provided, further, that all applications for franchises under this section shall be accompanied by a deposit sufficient to pay advertisements and other necessary expenses to the final action of the City Council on such application; and such sum shall be applied to such purposes.

35. To establish and regulate the issuing and granting of municipal licenses and the collection of license taxes.

36. To establish a City Hospital and to provide for its maintenance.

37. To acquire lands for public parks, and to improve and maintain such lands for the benefit of all the inhabitants of the city, and also to acquire lands for public buildings and other public uses.

38. To provide water for the uses of the city and its inhabitants, and lay pipes for the distribution of water.

39. To provide for the execution of all trusts confided to the city.

40. To offer rewards, not exceeding $500, for the arrest and conviction of any person or persons who may have committed a felony in said city.

41. To provide an urgent necessity fund, not exceeding $500 a year, to be expended under direction of the Mayor.

42. To establish such industrial schools, houses of correction, workshops, homes for confirmed inebriates, and such other institutions as may be deemed proper, and to provide for the support, maintenance and management of the same.

43. To grant to the charitable associations of the City of Stockton a sum not to exceed $150 per month.

44. To regulate the custody, leasing, and sale of all the property of the municipality, and such lost, stolen, or unclaimed property as may be in the possession of the police or other officers of the city.

45. To regulate all parades and processions, and to determine what parades or processions upon the streets shall not be lawful, and to declare the same a nuisance.

46. To make all rules and regulations necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Charter or by general laws in said city.

47. To make and enforce all such local, police, sanitary, and other regulations as are not in conflict with general laws and the provisions of this Charter.

48. To appropriate out of the general fund of the city a sum not to exceed $1,000 in any one year to be used in public entertainments and the celebrations of any legal holidays.

49. To provide for a Health Officer and other sanitary officers, and prescribe their powers and duties.

50. To provide for the removal of human remains from the city, and for the establishment of cemeteries.

51. To acquire, construct, purchase, lease, own, control, maintain and operate such public utilities and properties as shall be deemed to be for the best interests of the city.

52. To establish, maintain, regulate and provide for the distribution for the relief of such exempt members of the "Old Volunteer Fire Department" of the City of Stockton as shall have become incapacitated in course of duty in said department or debilitated by age or sickness, a fund to be known as the Firemen's Relief Fund, and to so provide in the tax levy as that such levy shall yield each year as and for such fund a sum of not less than $500. [Amended.]

EXECUTIVE DEPARTMENT.

OF THE MAYOR.

Section 31. There shall be a Mayor, who shall be elected by the qualified electors of the city, at the general municipal election, and whose term of office shall be two years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $2,500 per year. [Amended.]

Sec. 32. He shall vigilantly observe the official conduct of all public officers, and take note of the fidelity and exactitude, or the want thereof, with which they execute their duties and obligations, especially in the collection, administration, and disbursement of the public funds and property; and the books, records, and official papers of all departments, boards, officers, and persons in the employ or service of the city, shall at all times be open to his inspection and examination. He shall take special care to see that the books and records of the said departments, boards, officers, and persons are kept in legal and proper form; and any official defalcation or willful neglect of duty, or official misconduct which he may discover, or which shall be reported to him, shall be laid by him before the Council, City Attorney, or District Attorney, in order that the public interests shall be protected, and the person in default be proceeded against according to law. He shall, from time to time, give the Council information in writing relative to the state of the city, and shall recommend such measures as he may deem beneficial to its interests.

He shall see that the laws of the State and the ordinances of the city are observed and enforced. He shall appoint a competent person or persons, expert in matters of bookkeeping and accounts, to examine the books, records, condition, and affairs of every department, board, or officer, at least once in every year, and enforce such examination. Any person refusing to submit to or to permit such examination, or

purposely delaying or impeding the same, may be suspended from office by the Mayor, and removed for malfeasance in office. He shall have a general supervision over all the departments and public institutions of the city, and see that they are honestly, economically and lawfully conducted. He shall take all proper measures for the preservation of public order and the suppression of all riots and tumults, for which purpose he is authorized and empowered to use and command the police force; and if such police force is insufficient, it shall be his duty to call upon the Governor for military aid, in the manner provided by law, in order that such riots or tumults may be properly and effectually suppressed.

Sec. 33. He shall, at least once in every three months, together with others to such duty in this Charter appointed, count the cash in the City Treasury, and see that it corresponds with the books of the Treasurer and the books of audit. [Amended.]

Sec. 34. He shall see that all contracts and agreements with the city are faithfully kept and fully performed; and to that end shall cause legal proceedings to be commenced and prosecuted, in the name of the city, against all persons or corporations failing to fulfill their agreements or contracts, either in whole or in part. He shall have the general supervision of all city officers elected or appointed; he shall have power to suspend any city officer for a dereliction, neglect or non-performance of duty, and shall report the same to the Council. If the Council approve of the suspension they shall declare the office vacant, or continue the suspension for such time as they may deem proper, and such vacancy shall be filled by the Council. It shall be the duty of every officer and person in the employ or service of the city, when it shall come to his knowledge that any contract or agreement with the city, or with any officer or department thereof, or relating to the business of any officer, has been, or is about to be, violated by the other contracting party, forthwith to report to the Mayor all facts and information within his possession concerning such matter, and a willful failure so to do shall be cause for the removal of such officer or employe, as in case of malfeasance in office. [Amended.]

Sec. 35. The Mayor shall be the President of the Council, but shall have no vote, except the casting vote in all cases of tie. He shall be the executive officer of the city. [Amended.]

Sec. 36. When and so long as the Mayor is temporarily unable to perform his official duties, the Vice-President of the Council shall act as Mayor pro tempore; and in case of a vacancy in the office of Mayor the member of the Council who is Vice-President of the Council when such vacancy arises shall become Mayor and remain such until the next general municipal election. [Amended.]

Sec. 37. The Mayor may, when authorized by the Council so to do, appoint a clerk, to be known as Mayor's Clerk. The Mayor shall perform all such other duties as may be prescribed by law or ordinance.

CITY CLERK.

Sec. 38. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Clerk, whose term of office shall be two years, beginning at 12 o'clock meridian on the Monday next following his election, and whose salary shall be fixed by the City Council at a sum not to exceed $1,800 per year. The duties of the City Clerk shall be to keep the corporate seal and all books, papers, records, bonds, and other documents belonging to the city, the custody of which is not in

this Charter otherwise provided for; to attend all meetings of the Council and keep a journal of its proceedings, all its by-laws, ordinances, and resolutions. He shall preserve in a book devoted exclusively to that purpose a neat and clear copy of all ordinances whatsoever, and of all resolutions of the City Council having a general importance. He shall keep all of his books properly indexed and open to public inspection when not in actual use, and perform such other duties relating to his office as the Council shall direct. The purchase of all supplies and articles not otherwise provided for in this Charter shall be made upon orders signed by the City Clerk, under the direction of the City Council, and issued on properly prepared blanks. He shall have power to take affidavits and administer oaths in all matters relating to the business of the city, and shall make no charge therefor. He shall be ex-officio License Collector. [Amended.]

CITY ASSESSOR.

Sec. 39. There shall be a City Assessor, who shall be elected by the qualified electors of the city at a general municipal election, and whose term of office shall be four years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $1,200 per year (exclusive of fees, if any, allowed by law). The Assessor shall be ex-officio Treasurer and Tax Collector. It shall be the duty of the City Assessor to prepare, between the first Monday of January and the first Monday in April in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city, taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this Charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; to be present at the sessions of all Boards of Equalization mentioned in this Charter, and to furnish to said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board, and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. No change shall be made in the valuation of property fixed therein unless two days' notice be given to the taxpayer or his agent. [Amended.]

Sec. 40. As Tax Collector he shall perform the duties in this Charter and by the general laws of the State provided. As Treasurer he shall receive and pay out all moneys belonging to the city, and shall keep an account of all receipts and expenditures, under such rules and regulations as may be prescribed by ordinance. He shall make a monthly statement to the Council of the receipts and expenditures of the preceding month, and shall do all things required of him by law or ordinance of said city. He shall not pay out any moneys belonging to the city, except upon claims presented, allowed, and audited in the manner provided by law. [Amended.]

Sec. 41. An Auditor shall be elected at the general municipal election, whose term of office shall be four years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at the time of fixing other salaries at a sum not exceeding $1,800 per year. [Amended.]

Sec. 42. The Auditor shall number and keep a record of all demands approved by the City Council, or fixed by law or ordinance, showing the date of approval, amount and name of original holder, the number, on what account, and out of what fund payable. It shall be his duty to be constantly acquainted with the exact condition of the treasury. He shall, on application of any person indebted to the city, holding money payable into the City Treasury, or desiring to pay money therein, certify to the City Treasurer the amount thereof, to what fund applicable, and by whom to be paid. He shall, upon the written order of the City Treasurer directing him to issue a receipt for money paid into the City Treasury, charge the City Treasurer with the amount received by him and give the person paying the same a receipt therefor. It shall be his duty to apportion among the several funds all public money at any time in the City Treasury not by law or ordinance specifically apportioned and appropriated, and forthwith notify the City Treasurer of such apportionment or appropriation. He shall countersign and deliver to the proper officer all licenses and other receipts, charging them therewith and taking their receipt therefor. He shall, on the first Monday of each month, or oftener if required, report in writing to the City Council the condition of each fund in the treasury. He shall keep a complete set of books for the city, in which shall be set forth in a plain and businesslike manner, every money transaction of the city, so that he can at any time tell the exact condition of the city's finances. He shall draw and sign all warrants upon the treasury. Every demand must, before it can be paid, be verified by the oath of the claimant or some one in his behalf, and be presented to the Auditor to be approved, who shall satisfy himself whether the money is legally due and remains unpaid, and whether the payment thereof from the treasury of the city is authorized by law, and if so, out of what fund, and that there is sufficient money in such fund with which to pay the same. After such examination he shall approve or reject the claim, in whole or in part, and indorse on such demand his approval or rejection over his signature, together with the date thereof. If it is approved, the fund out of which it is to be paid shall be designated. If the claim is rejected, or any part of it, unless the party presenting it is willing to take in full of the entire demand the sum offered, the Auditor shall return it, with his reasons for rejecting it, to the officer, board or other body which originally authorized it, then, if it is allowed by a majority vote of all the members of the board or other body authorizing it, and approved by the Mayor, it shall be audited in the same manner as if it had not been rejected; provided, the said board or other body had the authority to make the expenditure out of which the claim arose. No demand upon the City Treasury shall be considered, presented for action, or acted upon, allowed or approved, unless it specifies on its face each several item composing it, and the amount and date thereof. Every demand shall be numbered and acted upon by the Auditor in the order of its presentation to him, and when allowed, either in whole or in part, the warrant therefor shall be numbered and entitled to payment out of the fund on which it is drawn in the same order as allowed. No demand upon the treasury

shall be allowed by the Auditor in favor of any officer or other person, or any of his assigns, who is in any manner indebted to the city, without first deducting therefrom the amount of such indebtedness; nor in favor of any officer or other person, or his assigns, having the collection, care, custody or control of public funds, unless the accounts of such officer or other person have been presented, passed, approved, and allowed as is or may be required by law; nor in favor of any officer or other person, or his assigns, who has neglected to make any oath required by law or ordinance, or other regulation of the City Council; nor in favor of any officer, or his assigns, who has failed, to the knowledge of the Auditor, to do any duty imposed upon him by law or ordinance, or other regulation of the City Council. The Auditor shall have authority to take affidavits and administer oaths necessary in the transaction of all city business, without charge, and shall perform such other duties as are imposed upon him by law or this Charter. He shall at least once in every three months, together with others to such duty in this Charter appointed, count the cash in the City Treasury and see that it corresponds with the books of the Treasurer and the books of audit. [Amended.]

Sec. 43. The Auditor shall have the right to require from the different officers, boards, departments and committees all the information which they possess, and to inspect any book, contract, resolution, or other paper or document in the respective offices or departments; and it is hereby made the duty of all such officers, boards, departments and committees to furnish and permit the same when required by the Auditor. [Amended.]

Sec. 44. He shall also have the right to examine any person presenting claims for settlement, or other witnesses, concerning any such claim. [Amended.]

Sec. 45. [Repealed and annulled.]

Sec. 46. Not later than fifty days next before the date established by this Charter for the levy of city taxes, the several departments of the city government, through their boards of control, and the several officers administering departments without boards of control, shall submit to the City Council an annual report of the receipts and disbursements of such office, department or board, showing the amounts and from what source derived, and the expenditures and for what purposes expended, together with itemized estimates of the amount of money necessary to carry on their several departments for the next succeeding year. And from the estimates thus submitted, with such deduction or additions as it may deem expedient, the City Council shall, not later than thirty days next before the date for levying city taxes, complete an itemized estimate, by departments, of the total amount of revenue necessary to carry on the city government for the next succeeding year. [Amended.]

Sec. 47. At the end of every fiscal year the Auditor shall prepare and lay before the City Council an intelligent statement of the expenditures of the city government during the year for which such report is made, showing the objects to which the revenue has been devoted, and the extent of repairs which have been made, and the public improvements which have been effected. And it shall be the duty of the City Council to cause such a number of the same to be published, as they shall declare by resolution, for gratuitous distribution among the inhabitants of the city. [Amended.]

Sec. 48. All fees (save such as may be part of his legal compensation) and all other moneys received or collected by any officer,

agent or employe of the city shall be paid by such officer, agent or employe each month, or as much oftener as the Council may require, into the City Treasury, for the use of the city; and no payment of salary shall be made to any officer, agent, or employe who shall be in receipt of money payable to the city, until he shall have taken and filed with the Auditor his affidavit that he has paid into the City Treasury all such fees or other moneys theretofore received by him or collected. [Amended.]

OATH.

Section 49. Every officer provided for in this Charter shall, before entering upon the duties of his office, take, subscribe and file with the City Clerk the following oath: "I do solemnly swear (or affirm) that I will support the Constitution of the United States and Constitution of the State of California, and that I will faithfully discharge the duties of the office of (————) to the best of my ability."

SALARIES OF OFFICERS.

Section 50. The compensation of officers and employes of the city shall be fixed by the City Council at the first regular meeting in April next preceding the general municipal election; but if in any case there be no other applicable limitation of the amount which the Council may fix, the Council shall fix no greater amount than the maximum in the same case prescribed by the former Section 50, of which this is amendatory. [Amended.]

[The former Section 50 is as follows: "Section 50. The compensation of officers and employes of the city shall be fixed by the City Council at the first regular meeting in April next preceding the election of officers under this Charter, not to exceed per annum as follows: Mayor, $2,500; Treasurer and Tax Collector, $500; Assessor, $750; City Attorney, $1,000; Prosecuting Attorney, $500; City Clerk, $1.800; Superintendent of Streets, $1,800; Chief of Police, $1,500; Municipal Judge, $1,500; Chief of Fire Department, $1,250; City Surveyor, $600; policemen, each, $900; members of the Council, each, $300; Clerk of Municipal Court, $600; Harbormaster, $1,000; employes of the Fire Department, each, $900. Provided, however, that the salaries of the officers and employes named herein, for the first two years after the adoption of this Charter, shall be, per annum, as follows: Mayor, $2,000; Treasurer and Tax Collector, $500; Assessor, $600; City Attorney, $800; Prosecuting Attorney, $500: City Clerk, $1,500;; Superintendent of Streets, $1,500; Chief of Police, $1,200; Municipal Judge, $1,200; Chief Engineer of Fire Department, $1,200; City Surveyor, $300; policemen, each, $900; members of City Council, each, $250; Clerk of Municipal Court, $600; Harbormaster, $1,000."]

OFFICIAL BONDS.

Section 51. Every officer provided for by law shall, before entering upon the duties of his office, and within ten days after the mailing or delivery to him of his certificate of election or appointment, file an official bond in such sums as the Council may, by resolution approved by the Mayor or passed over his veto, direct, payable to the city, which bond shall be subject to the law concerning official bonds of officers. All official bonds shall be approved by the Mayor and City Attorney (except that of Mayor, which shall be approved by the Treasurer and City Attorney, and also except that of City Attorney, which shall be approved by the Mayor and Treasurer), the approval to be indorsed thereon; and said bonds shall be filed and kept in the office of the City Clerk, and must also

be recorded forthwith, in the office of the City Clerk, in a book kept for that purpose. The official bond of the City Clerk, after recording, shall be filed and kept in the office of the Mayor. The City Council may, at any time, require an additional amount or new sureties upon any official bond which it may determine insufficient; and must require an additional bond or new sureties whenever a surety thereon shall die or become insolvent, or cease to be a resident of the State. If such additional bond or additional security be not given, the Council, upon notification thereof by the Mayor, must declare the office vacant; and as soon as such declaration is made the office becomes vacant. No official bond shall be approved unless the sureties thereon shall justify in the manner provided for in the Political Code for justification of the official bonds of county officers; and all persons offered as sureties on official bonds may be personally examined on oath as to their qualification by the officers whose duty it is to approve the bond. No officer or employe of the city, or member of the Council, shall be surety upon the official bond of any other officer of the city.

CITY ATTORNEY.

Section 52. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect, by a majority vote of its own members, a City Attorney, whose term of office shall be two years, beginning at 12 o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $1,500 per year. He shall be an attorney and counselor-at-law, duly admitted to practice by the Supreme Court of the State, and shall have actually been engaged in the practice of his profession for a period of at least five years before his appointment. He shall attend to all suits and other matters in which the city may be legally interested. He shall give his advice or opinion, in writing, whenever required by the Mayor, City Council, Board of Education, Board of Fire and Police Commissioners, or any elected or appointed officer of the city, and do and perform all such other things touching his office as by the Council or Mayor may be required of him. The City Attorney shall draft and approve all official or other bonds required by this Charter, or by ordinance, resolution, motion, or order of the City Council, except his own bond. His bond shall be drafted and approved by the Mayor. He shall at least once in every three months, together with others to such duty in this Charter appointed, count the cash in the City Treasury and see that it corresponds with the books of the Treasurer and the books of audit. [Amended.]

Sec. 53 The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a Prosecuting Attorney, whose term of office shall be two years, beginning at 12 o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $900 per year. It shall be his duty to prosecute on behalf of the people all criminal cases of municipal cognizance, and all violations of city ordinances and resolutions. He shall give his advice or opinion whenever required by the Chief of Police. [Amended.]

Sec. 54. The City Council shall have full power and authority to assess, levy, and collect annually taxes upon all the property within the city taxable for State purposes not exceeding 1½ per cent upon the assessed value thereof, which shall be paid into the General Fund for current expenses. They shall provide for the payment of the principal and interest of the bonded indebtedness, if any, of such city, and

for the payment of the other indebtedness of such city not funded; and they may each year levy, assess, and collect an additional tax upon the taxable property as aforesaid, not exceeding 2 per cent in any one year, which, when collected, shall be paid into a fund to be disbursed as follows:

1. To pay the interest on said bonds.

2. To a fund for the payment of the principal thereof; and

3. To meet any indebtedness as aforesaid not funded. And the City Council, in making said levy, shall estimate the proportion requisite for each fund, and the same shall be expended under the direction of the City Council, for the purpose aforesaid, and for no other purpose. Said tax shall be levied. assessed, and collected upon all property liable to taxation within such portion and such limits, and so much of the territory of such city as shall be liable therefor under the laws and Charters in existence at the time of the organization of such city under this Act; and if by reason of extension of territory or from any cause, a portion only or a certain district of such city be liable under said laws and Charters for the payment of the bonded and other indebtedess above named or any portion of either thereof, the City Council in levying such tax shall make such levy upon and against the property which is situated, and persons who may reside in the territory of such city liable in each case for the payment of such indebtedness or any particular class or portion thereof, according to such existing laws and Charters. The City Council shall also have power to raise annually, by tax upon all the property within the city taxable for State purposes whatever amount of money may be requisite for the support of free public schools therein, including high schools, and providing and furnishing houses therefor: but the tax provided for in this section shall not exceed 30 cents on each $100 valuation upon the assessment roll in any one year; and shall in like manner raise by tax a fund for the establishment and maintenance of a free public library and reading-room, such tax not to exceed in any one-year the rate of 10 cents on each $100 valuation and not less than 3 cents thereon. [Amended.]

Sec. 55. And it shall be the duty of the City Assessor to prepare, between the said first Monday in January and the first Monday in April following in each year, and present to the City Clerk, with his certificate of its correctness, a list of all the real and personal property within the city taxable for State and county purposes, with a true valuation thereof, which said assessment list shall conform, as near as practicable, when not inconsistent with the provisions of this Charter, to the assessment list required by law to be made by the County Assessor for State and county purposes; also. to make all assessments for the improvement of streets as herein or by ordinance provided; to be present at the sessions of all Boards of Education mentioned in this Charter, and to furnish said Board such information as may be required, and to perform such other services in reference to the assessments of property in the city, or otherwise appertaining to his office, as the City Council, by ordinance or resolution, may require. During the session of the Board of Equalization the City Assessor shall enter upon the assessment list all the changes and corrections made by the Board and may assess and add to said list any property in such city not previously assessed. In the assessment and listing of property for taxation, and in the collection of tax upon personal property not secured by lien upon real estate, he shall have and may exercise the same powers as are conferred by law upon County Assessors, and shall receive therefor the same fees and compensation. The taxes so levied

shall be a lien upon the property assessed, from the first Monday in January, at 12 o'clock m. Each taxpayer shall be required to make and deliver to the City Assessor a statement, under oath, setting forth specifically all the real and personal property owned by said taxpayer, or in his possession or under his control, at 12 o'clock, meridian, on the first Monday of January. [Amended.]

Sec. 56. The City Council, or a committee of their number, selected for that purpose by the City Council, at a meeting thereof to be held on the first Monday of April of each year, shall constitute a Board of Equalization, and shall, after the Assessor shall have completed and handed in his assessment list to the City Clerk, and after five days' notice published in some newspaper in such city, hold meetings to hear and determine all complaints respecting the valuation of property as fixed by the Assessor in such list, and shall have power, on their own motion, with or without complaint made, to modify or change such valuation in any way they shall deem just and proper; provided, however, that before making any change in any assessment, the Board shall notify the person interested by letter deposited in the Postoffice or express, postpaid and addressed to such person, at least three days before action taken, of the day fixed when the matter will be investigated; provided, further, that no reduction must be made in the valuation of property unless the party affected thereby or his agent, makes and files with the Board a written application therefor, verified by his oath, showing the facts upon which it is claimed such reduction should be made. Any member of said Board shall have power to administer oaths and affirmations in the matter before said Board, and the sessions of said Board shall be held from time to time, as in its notice specified, for the period of two weeks and no longer.

Sec. 57. After the Board of Equalization shall have completed their duties, the Auditor shall add up the columns of valuation and enter the total valuation of each description of property in the list, and the total value of all property assessed and listed thereon; and thus equalized and added up, the Auditor shall, on the first Monday of May thereafter, deliver it to the City Council. [Amended.]

Sec. 58. On the first Monday in May, in every year, the City Council, by an ordinance, shall levy upon all the property in the city taxable by law for State purposes, a tax for school purposes, and for the current and general expenses of the city, and, in conformity to the provisions of this Charter, shall levy any and all other taxes by law directed then to be levied or assessed; and, in conformity with the provisions of this Charter, shall levy a tax for the payment of the funded debt upon the property liable therefor. Every tax so levied is made a lien which shall attach on said day in each year to and against all real property assessed, for the amount assessed against it; and if said property be assessed to a wrong person, or by a wrong name, said lien shall in nowise be affected or invalidated, and it shall not be satisfied or removed until the taxes are paid, or the property has absolutely vested in a purchaser, under and by reason of a sale, for such taxes. Every tax assessed upon personal property is a lien upon the real property of the owner thereof, from and after the time of the levy of such tax. The fiscal year shall begin on the first day of January, and the terms "real and personal property" shall have the same meaning as the same terms used in the revenue laws of the State.

Sec. 59. As soon as the City Council have declared and levied the taxes in any year, as in the preceding section provided, the Auditor

shall carry out, in a separate money column in the list, the amount of taxes assessed against each individual, firm, company, corporation, or unknown owner, and add and put down the aggregate of all taxes, as shown by the list; and as thus carried out the Auditor shall certify to its correctness, and, on or before the third Monday of May thereafter, deliver it to the Tax Collector, and shall charge him with the amount of taxes as footed up, and take his receipt therefor. [Amended.]

Sec. 60. The Collector, on receiving the assessment list certified by the Auditor, shall proceed to collect the taxes specified therein, and pay over the same into the treasury, taking a receipt therefor. For the purpose of collecting the taxes authorized by this Charter, the Tax Collector shall have such powers as are given by the revenue laws of this State to collectors of State and county taxes, so far as the same are applicable. All taxes unpaid at the close of the official business on the third Monday of June shall be deemed delinquent, and he shall on said day enter upon the assessment roll a levy upon all property therein assessed, the taxes upon which remain unpaid, and shall immediately ascertain the total amount of taxes unpaid, and file in the office of the Auditor a list of all persons and property then owing taxes, verified by his oath, which list shall be known as the delinquent list. [Amended.]

Sec. 61. On the third Monday in June of each year, at 6 o'clock p. m., all unpaid taxes are deliquent, and thereafter the Collector must collect thereon, for the use of the city, an addition of 5 per cent.

Sec. 62. On the first Monday in July of each year the Tax Collector must deliver to the Auditor a complete delinquent list of all persons and property then owing taxes, and in the list so delivered must be set down in numerical or alphabetical order all matters and things contained in the assessment roll and relating to delinquent persons or property. [Amended.]

Sec. 63. The Auditor must carefully compare such delinquent list with the assessment roll, and if satisfied that it contains a full and true statement of all taxes due and unpaid, he must foot up the total amount of taxes so remaining unpaid, credit the Tax Collector therewith, and make a final settlement with him of all taxes charged against him on the assessment roll, and must require from him the Treasurer's receipt for the full amount of taxes collected. [Amended.]

Sec. 64. After settlement with the Tax Collector, as prescribed in the preceding section, the Auditor must charge the Tax Collector with the amount of taxes due on the delinquent tax list, with the 5 per cent added thereto, and within five days thereafter deliver the list, duly certified, to such Tax Collector. [Amended.]

Sec. 65. On or before the third Monday in July of each year the Tax Collector must publish the delinquent list, which must contain the names of the persons and a description of property delinquent, and the amount of taxes and costs due, opposite each name and description, with the taxes due on personal property added to taxes on real estate where the real estate is liable therefor or the several taxes are due from the same person. To said list must be appended and with it published a notice that unless the taxes delinquent, together with the cost and percentage, are paid, the real property upon which such taxes are a lien will be sold at public auction, and designating therein the time and place of such sale, which must take place in or in front of the Tax Collector's office, and not less than fourteen nor more than twenty-one days from the first publication.

Sec. 66. Said list must be published three times a week for two successive weeks in some newspaper or supplement thereto published in such city, and when such publication is completed, and before commencing the sale, the Tax Collector must file with the City Clerk a copy of the publication, with his affidavit attached thereto, that it is a true copy of the same, that the publication was made in a newspaper or a supplement thereto, stating the name and place of publication; such affidavit shall be prima facie evidence of all the facts therein stated. The expense of the publication of the delinquent list is to be paid by the city.

Sec. 67. The Tax Collector must collect, in addition to the taxes due on the delinquent list, and 5 per centum added thereto, 50 cents on each lot, piece, or tract of land separately assessed, and on each assessment of personal property, all of which must go to the city.

Sec. 68. On the day fixed for the sale, or on some subsequent day to which he may have postponed it, of which he must give notice, the Tax Collector, between the hours of 10 o'clock a. m. and 3 p. m., must commence the sale of the property advertised, commencing at the head of the list and continuing alphabetically, or in the numerical order of lots and blocks, until completed.

Sec. 69. He may postpone the day of commencing the sale, or the sale, from day to day, but the sale must be completed within two weeks from the day first fixed.

Sec. 70. The owner or person in possession of any real estate offered for sale for taxes due thereon, may designate, in writing to the Tax Collector, prior to the sale, what portion of the property he wishes sold, if less than the whole; but if the owner or possessor does not, then the Collector may designate it, and the person who will take the least quantity of the land, or in case an undivided interest is assessed, then the smallest portion of the interest, and pay the taxes and costs due, including 50 cents to the Tax Collector for the duplicate certificate of sale, is the purchaser.

Sec. 71. After receiving the amount of taxes and costs, the Tax Collector must take out in duplicate a certificate, dated on the day of sale, stating (when known) the name of the person assessed, a description of the land sold, the amount paid therefor, that it was sold for taxes, giving the amount and year of the assessment, and specifying the time when the purchaser will be entitled to a deed.

Sec. 72. The certificates must be signed by the Collector, and one copy delivered to the purchaser, and the other filed in the office of the County Recorder.

Sec. 73. The Tax Collector, before delivering any certificate, must, in a book, enter a description of the land sold, corresponding with the description in the certificate, the date of sale, purchaser's name, and amount paid, regularly number the description on the margin of the book, and put a corresponding number on each certificate. Such book must be open to public inspection, without fee, during office hours, when not in actual use.

Sec. 74. On filing the certificate with the County Recorder the lien of the city vests in the purchaser, and is only divested by the payment to him, or to the City Treasurer for his use, of the purchase money and 25 per cent thereon.

Sec. 75. A redemption of the property sold may be made by the owner or any party in interest at any time prior to the execution of a deed of conveyance by the Tax Collector to the purchaser. [Amended.]

Sec. 76. On receiving the certificate of sale, the Recorder must file it, and make an entry in a book similar to that required by the Collector. On the presentation of the receipt of the person named in the certificate, or of the City Treasurer, for his use, of the total amount of redemption money, the Recorder must mark the word "Redeemed," and the date by whom redeemed, on the certificate, and in the margin of the book where the entry of the certificate is made.

Sec. 77. If the property is not redeemed within the time allowed by law for its redemption, the Tax Collector, or his successor in office, must make to the purchaser or assignee a deed of the property, reciting in the deed substantially the matters contained in the certificate, and that no person has redeemed the property during the time allowed for its redemption. The Collector shall be entitled to receive from the purchaser $3 for making such deed.

Sec. 78. The matters recited in the certificate of sale must be recited in the deed, and such deed duly acknowledged or proved is prima facie evidence that:

1. The property was assessed as required by law.
2. The property was equalized as required by law.
3. The taxes were levied in accordance with law.
4. The taxes were not paid.
5. At a proper time and place the property was sold as prescribed by law, and by the proper officer.
6. The property was not redeemed.
7. The person who executed the deed was the proper officer.
8. Where the real estate was sold to pay taxes on personal property, that the real estate belonged to the person liable to pay the tax.

Sec. 79. Such deed, duly acknowledged or proved, is (except as against actual fraud) conclusive evidence of the regularity of all other proceedings, from the assessment by the Assessor, inclusive, up to the execution of the deed, and conveys to the grantee the absolute title to the lands described therein, free from all incumbrances.

Sec. 80. The assessment roll or delinquent list, or a copy thereof, certified by the City Clerk, showing unpaid taxes against any person or property, is prima facie evidence of the assessment, the property assessed, the delinquency, the amount due and unpaid, and that all the forms of law in relation to the assessment and levy of such taxes have been complied with.

EDUCATIONAL DEPARTMENT.

Section 81. The government of the School Department of the city shall be vested in a Board of Education, to consist of five members, to be called School Directors, and who shall receive no compensation. One School Director from each ward, and one from the city at large, shall be elected by the qualified electors of the whole city, at the regular municipal election, and shall hold office for a term of four years, and until their successors are elected and qualified. [Amended.]

Sec. 82. The School Directors shall enter upon the discharge of the duties of their office on the second Monday in September after their election, and the Board shall meet upon said date and organize by electing one of their number President, whose term of office shall be two years. The Board shall hold regular meetings, at least once in

each month, at such time as shall be determined by its rules. Special meetings may be called at any time by the President or any two members of the Board. A majority of the members shall constitute a quorum for the transaction of business, and an affirmative vote of three members shall be necessary to pass any measure. The sessions of the Board shall be public, and its records open to public inspection. The Board may determine the rules of its proceedings, and the ayes and noes shall be taken, when demanded by any member, and entered on the records of the Board. Any vacancy occurring in the Board shall be filled, until the next municipal election, by a majority vote of the remaining Directors.

Sec. 83. The powers and duties of the Board of Education are as follows:

1. To establish and maintain public schools, including high schools; to change, consolidate and discontinue the same.

2. To manage and control the school property.

3. To employ, pay and dismiss teachers, janitors, school census marshals, and such persons as may be necessary to carry into effect the powers and duties of the Board, and to fix, alter, allow and order paid their salaries or compensation, and to withhold, for good and sufficient cause, the whole or any part of the salary or wages of any person or persons employed as aforesaid; provided, that no election of a teacher or other person employed by the Board shall be construed as a contract, either as to the duration of time or amount of wages of such person.

4. To make, establish and enforce all necessary rules and regulations for the government and progress of public schools, and for the investigation of charges against any person in the employ of the department, and to carry into effect the laws relating to education.

5. To establish and regulate the grade of schools, and determine the course of study, the mode of instruction, and what text-books, other than those published by the State, shall be used in said schools; but any text-book adopted by the Board shall not be changed within a period of four years after its adoption.

6. To provide for the School Department all necessary supplies, and incur such other incidental expenses as may be necessary for the welfare of the department.

7. To build, alter, repair, rent and provide schoolhouses, and to furnish them with proper school furniture, apparatus and appliances, and to insure any and all school property.

8. To purchase, sell, lease or exchange school lots; to take charge of any and all real estate and personal property that may have been, or that may be hereafter acquired for the use and benefit of the public schools of the city, and to make, in the name of the city, conveyances of all such real estate belonging to the city and sold by the Board of Education; provided, that no real estate shall be bought, sold or exchanged without the concurrence of four-fifths of the members of the Board and the consent of the City Council, evidenced by ordinance; and, provided further, that the proceeds of any such sale of real estate or personal property shall go into the general school fund of the city; and the City Council is hereby authorized and required to make over to said Board of Education, upon an application in writing by said Board, through its President and Secretary, by good and sufficient deeds of conveyance, all property, both real and personal, now held by said City Council in trust for said city, for the use and benefit of said public schools.

9. To grade, fence and improve all school lots, and in front thereof; to grade, sewer, plank or pave and repair streets, and to construct and repair sidewalks.

10. To sue for any and all lots, lands and property belonging to or claimed by said School Department, and to prosecute and defend all action at law, or in equity, necessary to recover and maintain the full enjoyment and possession of said lots, land and property.

11. To determine annually the amount of taxation for the establishment of free public schools therein, and for carrying into effect all provisions of law regarding public schools; and the amount so determined by said Board of Education, not exceeding 20 cents on the $100 of valuation on the assessment roll, shall be reported in writing to the City Council. This report shall specify the proper items of the amount of money required to pay all salaries, and all fixed and incidental expenses, including the cost of erecting new buildings and of repairing old ones. The City Council is hereby authorized and required to levy and cause to be collected, at the time and in the manner of levying and collecting other city taxes, the amount of taxation so determined and reported to the City Council by the Board of Education as school tax, upon all taxable property in the city, and said tax shall be in addition to all other amounts levied for city purposes; provided, that if an emergency shall arise when, in the opinion of the Board of Education, a greater tax than 20 cents on the $100 will be required to maintain the public schools, or to repair old buildings, or to erect new ones, the Board may recommend to the City Council an increase tax levy (not to exceed in the aggregate 30 cents on the $100), and if the City Council shall sanction the same it shall pass an ordinance so fixing the rate for that particular year.

12. To establish regulations for the just and equal disbursement of all moneys belonging to the public school fund.

13. To prohibit any child under six years of age from attending public school.

14. To examine and allow, in whole or in part, every demand payable out of the school fund, or to reject any such demand, for good cause, of which the Board shall be the sole judge.

15. To admit non-resident children to any of the departments of the schools, at their discretion, upon the payment, at such time as the Board may direct, of tuition fees, to be fixed by the Board.

16. To dispose of at public or private sale such personal property as shall be no longer required by the department.

17. To exclude from the schools and school libraries all books, publications or papers of a sectarian, partisan or denominational character.

18. To furnish books for children of parents unable to furnish them; and all books so furnished shall belong to the city, and shall be kept in the libraries of the school when not in use.

19. To use and apply the school funds of the city for the purposes herein named, and for no other purpose whatever.

20. And, generally, to do and perform such other acts as may be required by general law applicable to the city, and as may be necessary and proper to carry into force and effect the powers conferred on said Board, and to increase the efficiency of the public schools in the city. [Amended.]

Sec. 84. [Repealed and annulled.]

Sec. 85. Each member of the Board shall visit every school in the city at least once in each term, and examine carefully into its management, condition and wants.

Sec. 86. The President of the Board of Education and the City Superintendent shall have power to administer oaths and affirmations concerning any demand upon the treasury, payable out of the school fund, or other matter relating to their official duties.

Sec. 87. All contracts for building shall be awarded to the lowest bidder therefor furnishing adequate security, to be determined by the Board after due public notice, published for not less than ten days in one daily paper of the city.

Sec. 88. [Repealed and annulled.]

Sec. 89. The Board of Education, one month after its organization, shall elect by ballot a City Superintendent of Schools, whose term of office shall be two years, unless sooner removed for cause, by a vote of four-fifths of the members, after a full investigation. The Superintendent of Schools shall give his time and attention to the duties of his office, subject to the regulation of the Board of Directors. He shall have all the privileges of a member of the Board, except the right to vote. He shall act as Secretary and bookkeeper of the Board, and perform all clerical duties required by said Board. In the absence of the Superintendent, the Board may appoint one of its members to act as Secretary.

Sec. 90. It shall be the duty of the School Superintendent:

1. To report to the Board of Education annually, and at such times as it may require, all matters pertaining to the expenditures, income, condition and progress of the public schools of the city during the preceding year, with such recommendations as he may deem proper.

2. To visit each school and thoroughly examine each grade thereof at least once a month, and at such other times as the welfare and efficiency of the schools demand.

3. To observe, and cause to be observed, such general rules for the regulation, government and instruction of the schools as may be established by the Board.

4. The Superintendent may, for good and sufficient cause, suspend any teacher employed in the schools of the city until the next meeting of the Board of Education.

5. To recommend to the Board, for good cause, the dismissal of teachers and the cancellation of their certificates, stating the reason therefor.

6. To attend all sessions of the Board, and give information at each session of the condition of the public schools, schoolhouses, school fund, and other matters connected therewith, and recommend such measures as he may deem necessary for the advancement of education in this city.

7. To acquaint himself with all the laws, rules and regulations governing the public schools in the city, and the judicial decisions thereon, and give advice upon matters connected with the public schools, gratuitously, to officers, teachers, pupils and their parents and guardians.

Sec. 91. He shall, at the regular meeting in the month of June of each year, submit to the Board a detailed statement of the amount, as near as may be ascertained, of fuel, blanks, blank books, books for

indigent children, apparatus, and such other necessary school appliances as may be necessary for the use of the city schools and the Board for one year following.

Sec. 92. The Board of Education shall, upon the receipt of the statement from the Superintendent, as in the preceding section provided, advertise for the space of five successive days in some daily newspaper published in the city, for sealed bids for furnishing the articles in said statement specified. Said advertisement shall designate a day, after the expiration of the publication aforesaid, when said proposals will be considered, at which time the Board shall meet and publicly open and declare the proposals received, and shall thereupon award the contract therefor to the lowest responsible bidder, or bidders, in each case; provided, that any or all bids, or any part thereof, may be rejected if deemed too high: and the Board shall thereupon readvertise for the articles contained in said rejected bid, or bids, or parts thereof, as provided above. The Board may, in its discretion, require a good and sufficient bond, with two or more sureties, to be filed by each bidder, in the sum of $200, conditioned upon the fulfillment of his proposal in case of the acceptance thereof.

Sec. 93. Neither the Superintendent nor any Director shall be interested in any contract pertaining in any manner to the School Department of said city. All contracts in violation of the provision of this section are declared void, and any Director or Superintendent violating or aiding in the violation of the provisions of this section shall be deemed guilty of a misdemeanor, and shall be punished by a fine of not less than $100 or more than $1,000.

Sec. 94. The public school fund of such city shall consist of all moneys received from the State and county school fund; of all moneys arising from taxes which shall be levied by the City Council for school purposes; of all moneys arising from the sale, rent or exchange of any school property, and of such other moneys as may from any source whatever be paid into said school fund; which fund shall be kept separate and distinct from all other moneys, and shall only be used for school purposes under the provisions of this Charter. No fees or commissions shall be allowed or paid for assessing, collecting, keeping, or disbursing of school moneys, and if at the end of the fiscal year any surplus remains in the school fund, such surplus money shall be carried forward to the school fund of the next fiscal year, and no part of the school fund shall be, for any purpose, or in any manner whatever, diverted or withdrawn from such fund except as in this Charter provided.

Sec. 95. All claims payable out of the school funds shall be filed with the Secretary of the Board, and shall be approved by a majority of all the members elected to said Board, upon a call of ayes and noes, which shall be recorded. After claims have been approved, as herein mentioned, the Secretary of said Board shall draw a warrant upon the City Treasurer for the payment thereof, which warrant shall be signed by the President and countersigned by the Secretary. All demands for salaries of teachers and compensation of janitors shall be payable monthly, in the same manner, without presentation of claims therefor.

Sec. 96. All demands authorized by this article, and by the Board approved as aforesaid, shall be paid by the City Treasurer from the school fund, upon presentation of the warrant therefor; provided, that the Board of Education shall not have power to create any debts or

liabilities in any one year to exceed the actual revenue or available means in the City Treasury, under the control of the Board, and justly applicable for school purposes for such year.

Sec. 97. [Repealed and annulled.]

Sec. 98. [Repealed and annulled.]

Sec. 99. The City Attorney shall be the attorney of the Board, but the Board shall have power to employ counsel to assist the City Attorney whenever the Board deems it advisable.

Sec. 100. [Repealed and annulled.]

Sec. 101. [Repealed and annulled.]

Sec. 102. In case of disaster from fire, riot, earthquake, or public enemy, the Board of Education may, with the approval of the Mayor and City Council, incur extraordinary expenditures in excess of the annual limit provided by this Charter for repair, construction and furnishing of schoolhouses; and the City Council may, by ordinance, cause to be transferred to the school fund, from moneys in any other fund not otherwise appropriated, sufficient moneys to liquidate such extraordinary expenditures.

BOARD OF LIBRARY TRUSTEES.

Section 103. The public libraries created or existing in this city shall be managed and controlled by a Board of Library Trustees, consisting of five members, to be elected by the City Council, to serve five years, from the first day of July next succeeding the date of their election; provided, that the Council, at its last regular meeting in June, 1905, shall elect one Trustee to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years, and at the last regular meeting in June each year thereafter the Council shall elect one Trustee. Said Board of Library Trustees shall have and possess such powers and shall perform such duties as are now or may hereafter be prescribed by the statutes of the State of California, or by ordinances of the City of Stockton. [Amended.]

PARK COMMISSION.

Section 103½. All tracts, squares and lots of land dedicated to public use, donated to or acquired by the City of Stockton for the purposes of public parks or commons, and all trees planted and growing in the public highways of said city, or that may hereafter be planted and grown in said highways, shall be under the supervision, management, care and control of a Board of five members, who shall be styled "The Park Commission."

1. The members of the Park Commission shall be elected by the City Council to serve five years from the first day of July next succeeding the date of their election; provided, that the Council, at its last regular meeting in June, 1905, shall elect one Park Commissioner to serve one year, one to serve two years, one to serve three years, one to serve four years and one to serve five years, and at the last regular meeting in June each year thereafter the Council shall elect one Park Commissioner.

2. Members of the Park Commission shall receive no compensation for their services. They shall receive no financial benefit from the administration of the Commission, and no Commissioner shall be inter-

ested in any contract entered into by the Commission, or directly or indirectly receive any of the Park Commission funds for materials, supplies, or labor.

3. Said Commissioners shall organize as a Board by electing one of the members President, and the election of a Secretary, who may be a member of the Commission. The President shall hold his office for one year and until his successor is elected. It shall require the presence of three members to constitute a quorum for the transaction of business, but a less number may adjourn from time to time.

4. The Park Commission shall have the full and exclusive power to govern, manage, direct and regulate the public parks, squares, commons and the trees on the public streets, subject to the provisions of this Charter and to such ordinances as may be adopted by the City Council, to expend the moneys appropriated by the Council or derived from any source, for the purpose of managing and improving the public grounds and planting, protecting and preserving the trees on the public streets; to employ all labor and let all contracts necessary to manage, care for, protect and improve said parks and said trees.

5. The Park Commission shall adopt rules and regulations for the government of the parks and trees under its control, but said rules and regulations must be approved by the City Council to become effective.

6. The City Council is hereby authorized and empowered to levy and each year, in the mode prescribed by law for the levy and collection of taxes, a tax not less than 3 cents upon each $100 assessed valuation of taxable property within the City of Stockton for the purpose of preserving, maintaining and improving the parks, grounds and trees under the control of the Park Commission. All moneys collected and arising from said tax, and from other sources for said purposes, shall be paid by the Tax Collector or other officer collecting the same into the treasury of said city, and shall be deemed to be thereupon appropriated and set apart for any salary or expenditure incurred in the management, maintenance, preservation and improvement of said parks, grounds and trees. [Amended.]

[Sections 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129 and 130 repealed and annulled.]

POLICE AND FIRE DEPARTMENTS.

Section 131. The Police and Fire Departments shall be under the management of a Board of three Commissioners to be elected by the Council from the qualified electors of the city, but no member of the City Council shall be eligible to be elected a member of said Board. They shall serve without compensation, and hold office for the term of three years; provided, that at the first election one Commissioner be elected for a term of one year, and one Commissioner for a term of two years, and thereafter one Commissioner annually at the second regular Council meeting in July. A majority vote of all the members of the City Council shall be necessary to elect. Said Board shall be known and designated as the Board of Police and Fire Commissioners. In case of a vacancy on the Board by reason of death, resignation or otherwise, the Council shall elect a Commissioner for the unexpired term. [Amended.]

Sec. 132. The Commissioners shall annually, on the third Monday of August, organize as a Board by electing one of their number President, and a Secretary, who shall not be a member of the Board. The

Board shall establish rules and regulations governing its proceedings and for the regulation and conduct of its officers, clerks and employes; and may require bonds from its subordinates for the faithful performance of their duties. [Amended.]

Sec. 133. The Board shall hold regular meetings at least once a month, and special meetings at such other times as it may appoint, or of which the President may give notice. The regular meetings shall be held on a day and at an hour fixed by resolution entered upon the records of the Board, and which shall not be changed except by similar resolution, of which notice shall be posted for two weeks in the office of the Board. The meetings of the Board shall be public. Two members shall constitute a quorum, and the affirmative votes of two members shall be necessary to pass any order or resolution. No business shall be transacted at a special or adjourned meeting of the Board except such as may have been made the special order of business for such meeting, or such as may have been under consideration at the meeting from which the adjournment was had.

Sec. 134. The Secretary of the Board shall keep a record of its transactions, specifying therein the names of the Commissioners present at the meetings, and giving the ayes and noes upon all votes. Every order or resolution shall be recorded at length, and the record shall be approved by the Board. The Secretary shall cause the publication of all notices herein authorized to be published or which the Board shall order to be published, and shall perform such other duties as the Board may from time to time prescribe.

Sec. 135. The officers, members and employes of the Police and Fire Departments shall be appointed by the Board, but no appointment or removal shall be made for political purposes, nor shall any removal be made except for cause established to the satisfaction of the Board, after due investigation and trial, as herein provided. The salaries of officers, clerks and employes of the Board shall be fixed from time to time by the City Council, in its discretion or recommendation of the Board, but the salary of the Chief of Police shall not exceed $1,800 per year; that of the Chief of the Fire Department shall not exceed $1,800 per year; that of the policemen shall not exceed $1,200 per year, and that of an employe in the Fire Department shall not exceed $1,200 per year. [Amended.]

Sec. 136. The Board shall have power:

1. To prescribe the qualifications, duties, badges of office, and uniforms of officers, members and employes of said departments.

2. To prescribe rules and regulations for the government and discipline of the same, and prescribe and enforce penalties for their violation.

3. To hear and determine all complaints of misconduct, inefficiency, violation of the rules and regulations, or other charge against any officer, member or employe of said departments, and to take such action thereon as shall be most conducive to the maintenance, discipline and efficiency of said departments.

4. To appoint and to remove at their discretion special policemen, who shall be under the supervision and control of the Chief of Police; provided, however, that the compensation of said special policemen shall in no event be chargeable to the city, unless appointed by authority of the City Council.

5. To make all necessary rules and regulations to carry into execution the foregoing powers, and all other powers vested in said

Board by this Charter, or by any ordinance of the City Council passed pursuant thereto, or by the Constitution and laws of this State; and in general to manage and control said departments.

Sec. 137. The Board shall have the custody and control of the houses, engines, hose-carts, trucks, ladders, horses, stables and all other property and equipments now or hereafter used by or belonging to said departments.

Sec. 138. The Board shall annually report to the City Council an estimate of the amount of money that will be required to pay all salaries and expenses of the Police Department and of the Fire Department for the ensuing year, specifying in detail the proper items for which the same will be required. [Amended.]

Sec. 139. The Board shall make full monthly reports to the City Council of its acts and expenditures, and also of the condition of said departments.

Sec. 140. Every claim against the Police Department or the Fire Department shall be verified by the claimant and approved by the Board in open session, which approval shall be entered in the records of the Board. No such claim shall be allowed or ordered paid by the City Council until the same has been approved by said Board, and has indorsed thereon such approval, authenticated by the signatures of the President and Secretary of the Board.

Sec. 141. The Board shall determine and report to the City Council as to the necessity of constructing cisterns and erecting hydrants in particular localities, the necessity for additional houses, apparatus, material, supplies, engines, horses, hooks and ladders, and also as to alterations and repairs required; but the action of the Board with respect to the necessity of these matters shall be only advisory to the City Council, and none of the matters and things in this section enumerated shall be done or provided until the same shall have been authorized by the City Council. All contracts let and work ordered for said departments shall be let and ordered by the Board; and the Board shall see that the same are faithfully carried out and performed; provided, however, that the Board shall have power to make repairs upon engines and other property in their custody and under their control when the necessity for such repairs is urgent, and the cost thereof does not exceed the sum of $250.

Sec. 142. First—The Police Department shall consist of a Chief of Police and such captains, detectives, and other policemen, not exceeding in the aggregate one to every 1,000 inhabitants of the city.

Second—The Board may, with the consent of the City Council, evidenced by ordinance, add to the above numbers, from time to time, should the increase of population and public interest so require.

Third—The Fire Department shall consist of a Chief Engineer and as many drivers, engineers, hosemen and other employes as the City Council may by ordinance authorize on recommendation of the Board.

Sec. 143. Any officer, member or employe of the Police or Fire Department, guilty of any legal offense, inefficiency, neglect of duty, absence without leave, breach of discipline, disobedience of orders, violation of rules, or any conduct injurious to public peace or welfare, or detrimental to the department of which he may be an officer, member or employe, shall be liable to be punished by reprimand, forfeit of pay for a specified time, suspension or dismissal from the department of which he may be an officer, member, or employe; but not more than thirty days' pay shall be forfeited for any one offense.

All moneys so forfeited shall be paid into a fund to be established and maintained, under such regulations as the Board may adopt, for the benefit of the sick and disabled members, and the families of deceased members, of the department of which the offender may be an officer, member or employe. The Board shall annually render to the City Council a verified itemized account of all moneys so received and disbursed during the preceding year. [Amended.]

Sec. 144. In all investigations or trials conducted by said Board, the President thereof shall have the power to issue subpenas for and to compel the attendance of witnesses and the production of papers before it. Such subpenas shall be served by any policeman. Any member of the Board may administer oaths and affirmations in the conduct of said investigations.

Sec. 145. The policemen constituting the police force and the drivers, engineers, hosemen and other employes constituting the working force of the Fire Department at the time when this Charter shall be submitted to the vote of the people, shall be retained in their several positions, unless removed for cause. as provided herein. [Amended.]

DEPARTMENT OF STREETS AND WHARVES.

Section 146. The Department of Streets and Wharves shall be under the control of the City Council. [Amended.]

Sec. 147. The Department of Streets and Wharves shall embrace the control of the water-front and wharves; of the streets, sidewalks, bridges and public thoroughfares; of the public grounds; of the sewer system, drainage and sewers; of water courses and channels within the city; of the lighting of streets and public buildings, and of everything of a public nature pertaining to said subjects, or to either of them. [Amended.]

Sec. 148. All public work in said department and all materials and supplies to be furnished for public use shall be ordered and furnished by the City Council under written contract, except as hereinafter provided. Before awarding any contract for doing any of such work or furnishing any of such materials or supplies for the city, the Council shall cause notice to be posted conspicuously on or near the Council Chamber door for ten days and published not less than five days in a daily newspaper published in the city, inviting sealed proposals for the said work or materials or supplies; provided, however, that if the cost of said work or materials or supplies is less than $600, notice inviting sealed proposals for said work or material or supplies may be given by posting notices for six days conspicuously in front of the Council chamber door and the Superintendent of Streets' office, and in one other public place to be designated by the City Council; and provided further, that if the cost of any such work, material or supplies is less than $100, the contract for the same may be written or otherwise, and may be let without advertising for sealed proposals; but no piece of repair work, or improvement, or bill of materials or supplies, or labor, or materials and labor on any piece of repair work or improvement, shall under any circumstances be subdivided for the purpose of bringing the cost within the limits heretofore in this section provided, and any claims so subdivided shall not constitute a legal charge against the city; and provided further, that should the city be in great and immediate danger from any cause, or

the public safety so require, the Council may, in its discretion, contract for such work as may be necessary to avoid such danger, without said notices, posting or publication.

1. Said notice or advertisement and notice shall invite sealed proposals, to be delivered up to a certain day and hour, at the office of the City Clerk of the City Council, for furnishing the supplies and materials and for work to be done, the materials for the proposed work, or for doing said work, or both, as may be deemed best by the City Council, and shall contain a general description of the work to be done, the materials or supplies to be furnished, the time within which the work is to be commenced and when to be completed, and the amount of bonds to be given for the faithful performance of the contract, and shall refer to plans and specifications on file in the office of the Clerk of the City Council for full detail and description of said work and materials. All proposals offered shall be accompanied by a check, certified by a responsible bank, payable to the order of the City Clerk, or by coin of the United States, for an amount not less than 10 per cent of the aggregate of the proposal, and no proposal shall be considered unless accompanied by such check or coin.

2. The City Council shall, in open session, open, examine and publicly declare all bids, and an abstract of each bid shall be recorded in the minutes of the City Council by the Clerk. The City Council shall thereupon, or at such other time as the City Council may adjourn to, award the contract to the lowest bidder, except as otherwise herein provided; and said Council may reject any and all bids and may reject the bid of any party who has been delinquent or unfaithful in any former contract with the city, and all bids other than the lowest regular bid; and on accepting said lowest bid, shall thereupon return to the proper parties the checks or coin corresponding to the bids rejected. The check accompanying the accepted bid shall be held by the Clerk of the City Council until the contract for doing the said work, or furnishing said materials or supplies, as hereinafter provided, has been entered into, whereupon said certified check or coin shall be returned to said bidder. If said bidder fail or refuse for ten days after the award to enter into the contract to do said work or furnish said materials or supplies as herein provided, then the said certified check or coin accompanying his bid and the amount therein mentioned, shall be forfeited to the city and shall be collected and paid into the street contingent fund.

3. All contracts shall be drawn under the supervision of the City Attorney, and shall contain detailed specifications of the work to be done, the manner in which it shall be executed, and the quality of the materials to be used, or the quality and quantity of the materials or supplies to be furnished. No change or modifications in the plans or specifications, or quantity or quality of the materials or supplies to be furnished, shall be made after proposals for doing the work or furnishing said materials or supplies have been called for, except by a vote of six members of the City Council. All contracts shall be signed in duplicate, one of which, with specifications and drawings, if any, of the work to be done, and the materials to be furnished, shall be filed with the City Council, and the other shall be delivered to the contractor. At the same time with the execution of said contract, said contractor shall execute to said city, and deliver to the Clerk of the City Council, a bond in the sum named in the notice for proposals, with two or more sufficient sureties, to be approved by the Mayor, or shall deposit with the City Clerk a certified check upon some solvent bank for said

amount, for the faithful performance of said contract. The qualifications of such sureties shall be the same as of sureties upon the official bonds of county officers. The contract shall specify the time within which the work shall be completed, or materials furnished, and when to be completed, or during what time or when the supplies shall be furnished, as specified in the notice inviting proposals therefor. The City Council may extend said time, but in no event for more than ninety days beyond the time originally fixed for its completion, except by consent of seven members of the City Council. In case of failure on the part of the contractor to complete his contract within the time fixed in the contract, or within such extension of said time as is herein provided, his contract shall be void, and the City Council shall not pay or allow to him any compensation for any work done or supplies furnished by him under said contract beyond such sum as, in the judgment of the City Council, the work done or materials furnished are actually worth to the city, less the detriment suffered by the city by such loss of time in the completion of the same. The Mayor shall be, and is hereby constituted, the proper officer to execute on behalf of the city all contracts entered into in the Department of Streets and Wharves. [Amended.]

Sec. 149. [Repealed and annulled.]

Sec. 150. All supplies and articles for said department shall be obtained upon orders signed by the Superintendent of Streets, under the direction of the City Council, and issued on properly prepared blanks. These orders must be made in duplicate, and duly numbered, with the words "To be returned with the bill of articles or supplies named in this order," plainly printed thereon; one to be retained on file in the Superintendent of Streets' office, one to be returned with the bill of the merchant or dealer who has filled the same, to the City Clerk, and so submitted to the City Council, and it shall be the duty of the Superintendent of Streets to see that such supplies and articles are actually delivered to the city, and that the prices charged are not in excess of the current market prices, quantity and quality considered. [Amended.]

Sec. 151. All claims for daily labor in said department, other than those for labor performed under contracts, shall be paid weekly. Said claims shall be made on properly prepared blanks, certified to and signed by the claimant, and certified as correct by the Superintendent of Streets and the Mayor. Thereupon the Auditor shall draw his warrant for the amount and charge the same to the proper account. The Superintendent of Streets shall file with the City Clerk a weekly report to the City Council, showing the names of such claimants, the nature of their services performed and the amount of each claim. [Amended.]

Sec. 152. [Repealed and annulled.]

Sec. 153. [Repealed and annulled.]

CITY ENGINEER.

Section 154. The City Council shall proceed on the first Tuesday in June, 1905, and biennially thereafter, to elect by a majority vote of its members, a City Engineer, whose term of office shall be two years, beginning at 12 o'clock meridian on the Monday next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $600 per year, but this limitation shall not prevent him from having for any work whatever such fees as are or may be allowed

by statute or ordinance. The City Engineer shall perform the duties prescribed by this Charter, and do such other work pertaining to his profession as he may be directed to do by the City Council or that may be required by the general laws of the State of California. He shall have had at least four years' practical experience as a civil engineer. He shall have the same power in the City of Stockton in making surveys, plats and certificates as is or may be from time to time given by law to County Surveyors of the State of California, and his official acts and all plats, surveys and certificates made by him shall have the same validity and be of the same force and effect as are or may be given by law to those of the said County Surveyors.

It shall be the duty of the City Engineer:

1. To attend all regular meetings of the City Council and advise the Council on all engineering questions pertaining to the prosecution of all work in the Department of Public Works.

2. To examine and report, when requested by the City Council so to do, upon any proposed improvement, repair or change in the public works of the city.

3. To perform all civil engineering and surveying necessary in the prosecution of such public work; to prepare all plans and specifications and in a general way supervise their execution, and shall report to the City Council, in writing, all deviations from the terms of contracts during or after the fulfillment of any contract; to certify to the progress and completion of all such public work, improvement, change or repair, and to perform such other engineering work as may be required of him by the Mayor and City Council.

4. To keep a fair and complete record of all surveys made by him, systematically arranged and indexed so as to be easily available. [Amended.]

SUPERINTENDENT OF STREETS.

Section 154½. There shall be a Superintendent of Streets, who shall be elected by the qualified electors of the city at the general municipal election, and whose term of office shall be two years, beginning at 12 o'clock meridian on the first Tuesday in June next after his election, and whose salary shall be fixed by the City Council at a sum not to exceed $1,800 per year. [Amended.]

Sec. 155. The Superintendent of Streets shall perform the duties prescribed by this Charter, and by the laws of the State of California, and such other duties as may be prescribed by law and the Mayor and City Council. His term of office shall be two years. It shall be the duty of the Superintendent of Streets:

1. To have the general care and supervision of all public streets, sewers, levees and wharves under such regulations and directions as the Mayor and City Council may prescribe.

2. To keep himself informed of the condition of all matters relating to the Department of Streets and Wharves, and also of the lots and grounds belonging to the city and not under the jurisdiction of other departments, and report the necessities of the same to the City Council at each regular meeting.

3. To attend all regular meetings of the City Council.

4. To superintend the cleaning of sewers; the sprinkling and cleaning of all accepted streets; to superintend all necessary repairs of public streets, levees, wharves and sewers not let by contract and ordered done by the Mayor and City Council, and to make and

superintend such other repairs of streets, levees, wharves and sewers that are in their nature an immediate necessity to prevent injury to the public or to city property, the cost of which does not exceed $50.

5. To have the charge and control of the corporation yard, sewage pumping station and all personal property belonging to the Department of Streets and Wharves, under such directions and regulations as the Mayor and City Council may prescribe.

6. To remove all unauthorized obstructions on the streets, wharves and levees, and to cause the arrest of all persons violating the laws and ordinances relating to said department.

7. When so directed by the City Council, to superintend in detail the prosecution of any work in said department being done under contract.

8. To perform such other services relating to the Department of Streets and Wharves as may be made his duty by law or ordinance.

9. To keep a set of books in which shall be separate accounts for bridges, wharves, crosswalks, culverts, public squares, improvements, miscellaneous work (and if there be other items in number and amount to justify it, separate accounts for these also). Each bridge, section of wharf, crosswalk, etc., shall be so designated as to be readily distinguished. The various items shall be summarized and posted in an intelligent manner and the books always open for reference and inspection.

10. The Superintendent of Streets shall have charge of sewers, drains, etc. He shall have authority to enter private grounds and dwellings and other buildings for the purpose of ascertaining the condition of all sewers, drains, cesspools and vaults, and finding any nuisance or infringement of any ordinance governing such matters, he shall proceed at once to abate the nuisance, or to enforce the ordinance. [Amended.]

Sec. 156. The Superintendent of Streets shall have full control of all employes in the Department of Streets and Wharves (except those under the jurisdiction of the Park Commissioners and those working under contract). The number to be employed from time to time shall be agreed upon by the City Council. The Superintendent of Streets may employ whom he chooses, and may discharge, suspend, or replace at pleasure; he shall keep a time-book with said employes, and shall turn the same into the City Clerk's office on the evening of every working day. He may, with the consent of the City Council, and at such rate of pay as they shall affix, appoint a deputy to assist him in the discharge of his duties. He shall give bonds, with two or more sufficient sureties, for the faithful performance of his duties. [Amended.]

Sec. 157. [Repealed and annulled.]

Sec. 158. The Superintendent of Streets shall be ex-officio Harbormaster, but shall draw no salary as Harbormaster; he shall keep a set of books in which shall appear an itemized account of all receipts, showing the source from which each amount is derived. On the first Monday of each month he shall make to the City Council a detailed statement of such receipts for the preceding month, certifying to the same, and attaching thereto the City Treasurer's receipt for the full corresponding amount. [Amended.]

Sec. 159. The Harbormaster shall give prompt notice to the City Council of any defect or weakness, or any needed repairs in or about

the wharves and water-front. Any damage to the wharves, or buildings, or material thereon belonging to the city, caused by any steamer or other water craft, shall be assessed or collected at once, or the vessel causing such damage shall be detained by the Harbormaster by due process of law. [Amended.]

Sec. 160. [Repealed and annulled]

Sec. 161. The City Council shall have authority to fix and to change at its pleasure the rates of wharf rent, harbor dues, wharfage, dockage, and such other taxes or charges as shall be imposed for the use of the wharves, or upon vessels, or their owners or masters, or upon merchandise entering or departing from any waterway within the corporate limits of the city. All revenue derived from the several sources mentioned in this section shall constitute a separate fund, and shall be devoted exclusively to the dredging of channels, the building and repairing of wharves and bulkheads, and generally to the improvement of the wharves, levees and water-front.

Sec. 162. All harbor dues from vessels shall be collected upon their registered tonnage, and shall be deemed to be due and collectible upon the arrival of any steamer or other vessel at a wharf within the city. And no vessel shall occupy the water-front or any wharf for more than six consecutive days without the consent of the Harbormaster, and without the payment of the charges established by ordinance of the City Council. All other dues or charges, of whatsoever kind, and whether against a vessel, or the owner or master thereof, or against the merchandise or cargo of such vessel, shall be deemed to be due and collectible when the vessel enters or clears, as the case may be. [Amended.]

Sec. 163. No person, corporation or company shall erect or maintain any building upon any wharf without the consent of the City Council, evidenced by ordinance. And any ordinance granting such privilege may be repealed at the pleasure of the City Council, and such repeal shall not have the effect to create any right of action for damages against the city. And upon the repeal of any such ordinance the City Council may order the removal of any such building or structure within a definite time, to be specified in the repealing ordinance, and if the owner or person or persons in control of the same shall neglect or refuse to remove it within the specified time, then the Harbormaster shall remove the same. [Amended.]

Sec. 164. For the purpose of providing for permanent water-front improvements 4 per cent of the revenue actually collected for general purposes shall be set aside and applied to the construction of permanent wharf along the channels fronting on public streets and levees within the corporate limits of the city. [Amended.]

[Sections 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199 and 200 are repealed and annulled.]

MISCELLANEOUS PROVISIONS.

Section 201. Unless otherwise provided in this Charter, all contracts for work, or supplies of any kind, for more than $600, shall be let to the lowest bidder after notice given by posting the same for ten days, and by publishing the same for five days, and all sales or leases of property belonging to the city shall be by public auction to the highest bidder, upon such terms and conditions as the City Council may by ordinance direct, and after like notice given. [Amended.]

Sec. 202. No grant of any franchise by the City Council shall have any validity or effect unless the wording of the same is in specific terms and not in general terms, nor unless the person or persons to whom the same is made shall within six months thereafter, actually and in good faith, and not colorably, commence the exercise or enjoyment of the same, there being no legal impediment thereto. When any franchise shall have been in disuse, in whole or in part, for the period of one year, there being no legal impediment to the use thereof, it shall be deemed abandoned and forfeited to the extent of such disuse, and the said franchise, or that part thereof so in disuse, shall no longer be exercised or enjoyed; provided, that the disuse of any portion of the franchise, unless permission be before obtained of the City Council, shall be deemed a forfeiture of the whole. [Amended.]

Sec. 203. Whenever within the corporate limits of the city two or more railroads, operated by steam power, cross each other on the same grade or level, the corporations operating the roads shall, within four months after the adoption of this Charter, or in case of roads now being or hereafter to be constructed, within four months after completion of crossings as above described, cause the erection and operation of a complete interlocking safety switch and signal system, which said signal system shall be so constructed as to prevent collisions at such crossings between cars or train of cars, or locomotive engines running on the different roads. Failure, neglect, or refusal to conform to the requirements of this section shall subject each corporation to a penalty of $50 for each and every day during which such failure, neglect or refusal shall continue.

Sec. 205. No member of the City Council, and no officer of or employe of the city shall be or become directly or indirectly interested in or with the performance of any contract, work or business, or in the sale of any article, the expense, price or consideration of which is payable from the City Treasury, or in the purchase or lease of any real estate or property belonging to or taken by the city, or which shall be sold for taxes or assessments, or by virtue of legal process at the suit of the city. Any member of the City Council, officer or employe of this city violating the provisions of this section, or who shall be directly or indirectly interested in any franchise, right or privilege granted by the city while he is such member, officer or employe, unless the same shall devolve upon him by law, shall forfeit his office and be forever disqualified from holding any position in the service of the city; and all contracts made, or right of franchise granted in violation of this section, shall be absolutely void.

Sec. 206. No officer or employe of the city shall give or promise to give to any other person any portion of his compensation, or any money or thing of value, or any position, in consideration of having been or being nominated, appointed, voted for, or elected to any office or employment under the city. Any person violating the provisions of this section shall forfeit his office and employment under the city, and be forever disqualified from holding any position in the service of the city.

Sec. 207. Any officer of the city who shall, while in office, accept any donation or gratuity in money or anything of value, either directly or indirectly, from any subordinate or employe, or from any candidate or applicant for any position under him, shall forfeit his office and be forever disqualified from holding any position in the service of the city.

Sec. 208. All books and records of every office and department shall be open to the inspection of any citizen at any time during business hours. Copies or extracts from such books and records, duly certified, shall be given by the officer having the same in custody to any person demanding the same, upon paying or tendering 10 cents per folio of 100 words.

Sec. 209. Except as otherwise provided for by law or this Charter, all public offices shall be kept open for business every day (except legal holidays) from 9 o'clock in the forenoon until 5 o'clock in the afternoon; and in addition thereto, for two weeks before taxes become delinquent in each year, the office of Tax Collector shall be kept open until 9 o'clock in the evening.

Sec. 210. Whenever the City Council shall adjudge it necessary for the city to take or damage private property for public uses, the City Council may direct proceedings to be taken by the City Attorney under title 7, part 3, of the Code of Civil Procedure, to condemn the same.

Sec. 211. No office shall be created, nor shall any person be employed in any capacity, nor shall any officer, clerk or employe receive any salary or compensation for any service of any kind unless the same is specially authorized by law or this Charter; provided, however, that when any officer or board shall require additional employes, application shall be made to the City Council to authorize the appointment of such additional employes and thereupon the City Council may, in its discretion, authorize such appointment and provide for the compensation of such appointees.

Sec. 212. Whenever power is given in this Charter to call special meetings of the City Council, Board of Education, or any Board, the notice therefor shall be in writing, and shall specify the object of the meeting. The notice shall be served on each member personally, or by mail addressed to his place of residence; if by mail, notice shall be deposited in the Postoffice of the city at least twenty-four hours before the time of meeting. At such special meeting no subject shall be considered except that specified in the notice.

Sec. 213. Whenever this Charter provides for the posting of notices, such notices shall be posted in three public places, to be designated by the City Council. [Amended.]

Sec. 214. Whenever a provision is made in this Charter wherein publication is required, such publication shall be made in a newspaper of general circulation, printed and published in the City of Stockton, except as otherwise provided.

Sec. 215. [Repealed and annulled.]

Sec. 216. All officers mentioned in this Charter, elected or appointed, must, at the time of their election or appointment, have been a citizen of the United States, and a resident and qualified elector of the city for two years next preceding their election or appointment.

Sec. 217. All officers, deputies, clerks, assistants and other employes of the city, and of the several departments thereof, must be citizens of the United States, and during their respective terms of office or employment must reside in the city, and have been residents of the city one year next preceding their election or appointment.

They, and each of them, shall perform such duties as may be required of them respectively by law, ordinance or this Charter, and shall only receive such compensation as may have been previously provided, and such compensation shall not be increased or diminished during the term of their respective offices or employment.

Sec. 218. If any officer of the city shall remove from the city or absent himself therefrom for more than thirty days consecutively without the permission of the City Council, or shall fail to qualify by taking the oath of office and filing his official bond, whenever such official bond is required, within ten days from the time his certificate of election or appointment is mailed or delivered to him, or shall resign, or be convicted of felony, or be adjudged insane, his office shall be vacant and the vacancy filled as herein provided. The City Council, assembled for the purpose, shall have the power to appoint suitable persons to fill vacancies in any office, except as in this Charter provided. The appointee shall hold for the unexpired term and until the election or appointment and qualification of his successor. A member of the Council, during the term for which he shall have been elected or appointed, shall be ineligible to fill any such vacancy, except in the office of Mayor. [Amended.]

Sec. 219. Unless otherwise provided by law or this Charter, any officer, board or department authorized to appoint any deputy, clerk, assistant or employe, shall have the right to remove any person so appointed.

Sec. 220. All appointments of officers, deputies and clerks to be made under any provision of this Charter must be made in writing and in duplicate, authenticated by the person or persons, board or officer making the same. One of said duplicates must be filed with the City Clerk and the other with the Mayor.

Sec. 221. All franchises and privileges heretofore granted by the city, which are not in actual use or enjoyment, or which the grantees thereof have not in good faith commenced to exercise, are hereby declared forfeited and of no validity unless said grantees, or their assigns, shall, within six months after this Charter takes effect, in good faith, commence the exercise and enjoyment of such privilege or franchise.

Sec. 222. Competent and experienced employes in the several departments shall not be unnecessarily removed.

Sec. 223. All ordinances and resolutions of the city in force at the time this Charter takes effect, and not inconsistent therewith, shall continue in force until amended or repealed, and all officers of the city in office when this Charter takes effect shall continue to hold and exercise their respective offices under and in accordance with the terms and provisions of this Charter until the election or appointment and qualification of their successors, provided for herein.

Sec. 224. The City Council of the present City of Stockton shall provide for the holding of the first election of officers under this Charter, and shall canvass the votes and declare the result.

Sec. 225. The provisions of this Charter are mandatory and prohibitory, unless by express words they are declared to be otherwise.

[NOTE.—All the foregoing sections designated Amended are those ratified by the electors on the 19th day of May, 1903, and approved by the Legislature on the 24th day of January, 1905.]

ORDINANCES.

ORGANIZATION AND OFFICERS.

ORDINANCE No. 1.

Relating to the Duties and Powers of Certain Officers.

(Being originally No. 322, approved March 24, 1891.)

Be it ordained by the City Council of the City of Stockton, as follows:

MAYOR, SUPERINTENDENT OF STREETS, CHIEF OF POLICE AND BOARDS.

Section 1. Whenever a permit from the Mayor, Superintendent of Streets, Chief of Police, Board or member thereof, is required to be had before an act or omission may be lawful, such officer or Board shall, in the absence of other directory provisions, grant or withhold such permit as in the opinion of such officer or Board, justice and good government may in the particular case demand.

CITY CLERK.

Sec. 2. The City Clerk shall be ex-officio City Auditor, and as such perform the duties mentioned in Section 29 of the Charter, and all auditing not otherwise provided for. The City Clerk shall preserve in a book devoted exclusively to that purpose a neat and clear copy of all ordinances whatsoever, and of all resolutions of the City Council having a general importance.

CITY ATTORNEY.

Sec. 3. The City Attorney shall, upon the request of the Committee on Ordinances of the City Council, prepare and supervise the final draft of all ordinances of which a rough draft or data therefor in writing shall be to him furnished by said committee. He shall also, upon the request of the Mayor, prepare one draft or copy of any contract to which the city is a party and of which the execution is controlled directly by the City Council without the agency of any executive board, department or officer; provided, that a rough draft or the data therefor in writing be to him furnished.

HARBORMASTER.

Sec. 4. The Harbormaster shall have a supervisory control over the wharves and landings within said city, and shall keep an open and free passage to each thereof, both by land and water, and may, when he shall deem the same advisable, direct and cause any steamer, sailing vessel or other water craft to change its place or position, and may have such change made at the expense of the owner or owners, or the master or person in charge of any such steamer, vessel or water craft not immediately removed in accordance with his order, after notice thereof has been given by him to the master or other person in charge thereof. He shall also prescribe the time, not to exceed six days, that shall be allowed to vessels to load or discharge cargoes at the wharves and landings of said city.

Sec. 5. The Harbormaster shall keep the wharves and landings in said city at all times free from obstructions, and shall have full power, to this end, to direct and cause the removal of all goods, wares and merchandise, lumber, coal, and all other articles, things and property of whatsoever nature or kind which may obstruct or render inconvenient the passage to any such wharf or landing; and after any such article or property shall have remained on any such wharf or landing so as to obstruct any part thereof or to render the passage thereto or thereover inconvenient, for the space of forty-eight hours, he shall, by written notice, direct and notify the owner or consignee of the said property to forthwith remove the same; and, in case the owner or consignee be to him unknown, or he be unable to find either of them within said city, he shall post a notice in a conspicuous place on such articles or property, directing their removal, and in either case the Harbormaster shall, in the event that said articles be not removed within twenty-four hours from the service of posting of notice as aforesaid, have the same forthwith removed and stored or deposited for and at the risk and cost of the owner thereof, and subject also to the cost and charges incurred in the removal thereof, which costs and charges, together with the cost of storing, and of the sale thereof, as hereinafter provided, shall constitute and are hereby made a lien against property so removed, said lien to continue until the whole costs and charges be paid by the owner or claimant thereof, or the property be sold and said charges be paid from the proceeds of said sale, as hereinafter provided.

Sec. 6. When any property is removed by said officer in pursuance of the terms of the preceding sections, he shall for the space of ten days advertise in some newspaper published in said city, a notice of such action, directed generally to the owners, known or unknown, giving a general description of such property, and shall state in such notice the place wherein the same shall be then stored or deposited, and shall therein notify all parties that in case the said property be not claimed and the costs and charges thereon, including cost of publication as aforesaid, be paid on or before a certain hour and day to be named by him in such notice (which day must not be less than ten nor more than thirty days after the first publication of said notice), that he will at public auction sell the said property to the highest bidder; and in case said property be not claimed and redeemed on or before the hour named in said notice, he shall at such time, and at the place where the said goods are stored or deposited, sell the same to the highest bidder, in pursuance of the terms of said notice, and shall from the proceeds of such sale first deduct all costs and charges incurred by reason of such removal, storage, publication and sale as aforesaid, and shall pay over the balance, if any remaining, to the City Treasurer for the benefit of the owner of such property. The money paid to the City Treasurer as aforesaid shall be by him held subject to the call of the owner for the period of three months, and if the owner shall fail to appear and claim the same within such time, the said sum to be by said Treasurer paid into the general fund of said city for the use and benefit thereof; provided, however, that in case property so removed be perishable in its nature, the Harbormaster shall for two days only publish a notice as aforesaid, and may, upon the expiration of the said publication, sell such property in manner and with like effect as aforestated; provided further, that nothing herein shall be construed to authorize the obstruction of any wharf or landing or any part thereof, or any passage thereto, for any period of time.

Sec. 7. The Harbormaster shall collect and receipt for all wharfage tax, or revenues, and shall keep in a book to be provided and set apart for such purposes, an accurate account of the same.

Sec. 8. He shall, in collecting wharfage and revenue tax, give in each case to the party paying a receipt from a blank receipt-book to be provided by the city, which receipt shall show the name of the party paying, the date of payment, the class of tax or charges collected and the amount so collected, and shall number each class of receipts consecutively in the order of their issue. In every case the stub must contain the same entries as the receipt which has been detached therefrom, and be numbered to correspond.

Sec. 9. He shall make monthly reports to the Board of Public Works of all his doings, and pay over to the City Treasurer each month, on or before the first Monday therein, all moneys collected during the preceding month, and shall submit to said Board a statement showing the amount received from each source of revenue or collections, a grand total of which amounts must correspond with the amount stated in the receipt of the Treasurer for said month, which receipt shall be attached to said report in said monthly report. He shall also set forth the number of vessels that have discharged cargoes at the wharves and levees of said city, together with the total amount of their registered tonnage.

HEALTH OFFICER, BOARD OF HEALTH, POLICE.

Sec. 10. The Board of Health shall have power to adopt such measures as in their judgment will best promote the health of the City of Stockton, and prevent the introduction or spread of disease, and they may, whenever they deem it necessary, order the examination by the Health Officer of all persons entering the city from any country, State, county, city or other place, where said Board have reason to believe there are any cases of cholera, yellow fever, smallpox or other infectious or contagious diseases; and for the purpose of making such examination the Health Officer or any or all of the members of the Board of Health shall have authority to enter any vessel, railroad car, stage, or other vehicle, building, room, lot or other place in said city, and said Board or Health Officer may direct and enforce the cleansing and purifying of any such vessel, railroad car, stage, vehicle, building, room, lot, or other place; said Board of Health or Health Officer shall have power to forbid and prevent communication with any or all persons, families, vessels, railroad cars, buildings, rooms or other places infected with any such disease; said Board may, by and with the consent of the City Council, establish a pesthouse or hospital, and provide the necessary supplies therefor, and said Board or Health Officer may at any time remove any non-resident, indigent or disreputable person who is sick with cholera, yellow fever, smallpox or other infectious or contagious disease to the pesthouse or hospital; and whenever said Board deem it absolutely necessary for the health of the city they may remove any person to the pesthouse or hospital who may be sick with any such disease; said Board may provide, by and with the consent of the City Council, a suitable place for the temporary detention of persons who have been exposed to the infection of cholera, yellow fever, smallpox or other infectious or contagious disease, and said Board or Health Officer, or any member of said Board, shall have power to order and compel such person or persons to remain in such place of detention for such length of time as may be necessary, and to forbid and prevent any and all communication with any such person or persons; said Board or Health Officer shall have power to

forbid or prevent any and all persons living or being in or about any such house or premises where any person is or has been sick with smallpox, cholera, yellow fever or other infectious or contagious disease, from leaving such house or premises without having first obtained permission so to do from the Board of Health or Health Officer.

Sec. 11. It shall be the duty of the Board of Health and Health Officer, whenever they or either of them deem it necessary, to recommend to the City Council, in writing, such sanitary measures as they may deem advisable, and co-operate with the Council in carrying the same into effect; to submit to the City Council, whenever required, their opinions on any matter concerning the public health or sanitary condition of the city; to cause any matter or thing that is any way dangerous to health to be removed or destroyed; and whenever, in their opinion, the removal of any nuisance or any matter or thing dangerous to health is necessary, said Board or officer shall notify the Chief of Police, who shall immediately notify the person or persons owning the lot or premises on or about which the nuisance or other matter or thing may be found, to remove the same; if the owner be a non-resident or be absent from the city, then the Chief of Police shall notify his agent or the person in charge of his property, if any there be, and if not, then the occupant of such lot or premises; and if any person or persons so notified shall refuse or neglect to comply with the requirements of such notice for twenty-four hours, the Chief of Police shall remove, or cause to be removed, such nuisance or other matter or thing at the expense of the owner or occupant of said lot or premises on or about which nuisance or other matter or thing may be found, and the cost of such removal shall be recoverable by a civil action in the name of the city. If the owner of the lot or premises on which such nuisance or other matter or thing is found is unknown, and there be no occupant, the same shall be removed at the expense of the city. Whenever in the judgment of the Board of Health or of the Health Officer any vessel in port, building, room, lot, vault, cellar, outhouse, cesspool or other place, ought to be cleansed or purified, they shall notify the owner, occupant or person in charge, in writing, to cleanse or purify the same, specifying the means by and the manner in which the same shall be done, a copy of which notice shall be forthwith delivered by the Chief of Police to the owner or occupant or person in charge of such vessel, building, room, lot, vault, cellar, outhouse, cesspool or other place, and if such owner, occupant or person in charge of such vessel, building, room, lot, vault, cellar, outhouse, cesspool or other place shall, for the space of thirty-six hours after the delivery to him of such notice, fail or neglect to comply therewith, then the Chief of Police shall carry into effect the directions of the Board of Health, and the expenses thereby incurred shall be chargeable against the owner or occupant of the vessel, building, room, lot, vault, cellar, outhouse, cesspool or other place so cleansed or purified, and may be recovered in a civil action in the name of the city. If the owner of the vessel, building, room, lot, vault, cellar, outhouse, cesspool or other place cleansed and purified, be not known, and there be no person in charge or occupant thereof, then the directions of the Board of Health with reference thereto shall be carried into execution by the Chief of Police at the expense of the city.

Sec. 12. It shall be the duty of the Health Officer to examine into the sanitary condition of the city whenever requested by the Board of Health, and to report thereon to said Board, with such recommendations as he may deem proper, such report and recommendations to be in

writing; to supervise the execution of such measures as may be adopted by said Board, and see that they are properly executed, and in general to do and perform all such duties as may be required by said Board, or are or may be provided by the ordinances of the City Council.

Sec. 13. Said Board of Health or Health Officer shall have power to authorize and require the Chief of Police, in the daytime, whenever in the judgment of said Board or Health Officer it is necessary for the health of the city, in examining any vessel in port, building, room, lot, vault, cellar, outhouse, cesspool or other place for any nuisance or matter or thing dangerous to health, to raise the floor, break open the doors, or use such other force as may be necessary to effect an entrance into such vessel, building, room, lot, vault, cellar, outhouse, cesspool or other place; said Board shall have power to prescribe forms for mortuary statistics and of births, and enforce the observance thereof by physicians, midwives, undertakers and superintendents of cemeteries, and make general orders of a sanitary character in and for said city.

Sec. 14. The expenses incurred in carrying out the provisions aforesaid, and of the rules, orders and regulations of the Board of Health or Health Officer, made in pursuance thereof, shall be paid by order of the City Council, upon the certificate of the Secretary of the Board of Health, Health Officer or Chief of Police, as to the correctness of the amount so to be paid, except as otherwise provided in this ordinance.

Sec. 15. It shall be the duty and within the powers of the Chief of Police and every regular general policeman to enforce and execute any general or special order or direction of the Board of Health or Health Officer made under and within the powers to said Board or officer granted by law.

ORDINANCE No. 2.

(Being originally No. 204 approved May 24, 1886.)

Creating a Board of Health and Providing for a Health Officer.

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. W. E. Gibbons, C. A. Ruggles, S. N. Cross, E. A. Stockton and A. T. Hudson, and their successors in office are hereby constituted a Board of Health in and for the City of Stockton, which said Board of Health is hereby invested with the powers, and shall perform the duties prescribed in this ordinance. The said W. E. Gibbons, C. A. Ruggles, S. N. Cross, E. A. Stockton and A. T. Hudson shall hold office until the first Monday in January, A. D. 1888, and until their successors are elected and qualified. On the first Monday in January, A. D. 1888, and biennially thereafter, on the first Monday in January, the City Council shall elect five practicing physicians, being graduates of some respectable medical college, who shall constitute the Board of Health aforesaid. The persons so elected shall hold office for two years, and until their successors are elected and qualified. In case a vacancy from any cause shall occur in the Board, the City Council shall appoint some person possessing the qualifications aforesaid to fill the unexpired term of his predecessor in office. The Board hereby created shall organize within one month from the date at which this Ordinance takes effect, by electing from their number a President and Secretary, whose duties shall be such as properly belong to their

offices. The Board may by resolution, by-laws or otherwise provide for the time and place of their meetings and for the regulation of their proceedings, and a majority of the Board shall in all cases constitute a quorum.

Sec. 2. The Board of Health of the City of Stockton shall within one month after this ordinance takes effect, elect one of the members of said Board as Health Officer of said city. The person so elected shall hold office until the first Monday in January, 1888, and until his successor is elected and qualified. On the second Monday in January, 1888, and biennially thereafter on the second Monday in January, the said Board of Health shall elect one of the members of said Board as Health Officer of said city, and the person so elected shall hold office for two years, and until his successor is elected and qualified.

Sec. 3. [Repealed.]

ORDINANCE No. 363.

(Approved February 9, 1904.)

Amending Ordinance No. 2, Entitled "An Ordinance Creating a Board of Health, and Providing for a Health Officer."

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That Section 3 of Ordinance No. 2 of the Ordinances of the City of Stockton, entitled "An Ordinance creating a Board of Health, and providing for a Health Officer," is hereby amended to read as follows:

Section 3. That from and after the final passage and approval of this Ordinance the salary of the Health Officer shall be at the rate of $150 per month for such time as he may be engaged in the actual performance of his duty.

Sec. 2. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 375.

(Approved July 12, 1904.) O. B. 7—9.

An Ordinance Providing for an Inspector of Milk, for the City of Stockton, and Indicating His Duties; Providing for the Inspection of Milk and Dairies and Dairy Cows From Which Milk Is Supplied for Consumption by Human Beings in Said City; Regulating the Management of Such Dairies and Dairy Cows; Regulating the Sale of Milk in the City of Stockton and Providing for the Issuance of Permits by the Board of Health Therefor; Providing for Licensing the Same and the Rate of License; and Providing a Penalty for the Disposition of Unwholesome, Impure and Adulterated Milk in Said City.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. To properly put into effect and carry out the provisions of this Ordinance, and all other Ordinances of said city hereafter passed and approved, relating to the sale of milk therein, and to the management, conduct and care of cows and dairies from which milk is supplied to the inhabitants thereof, the Board of Health of the City of Stockton is hereby authorized, empowered and directed to provide

for the inspection of milk sold or offered for sale, delivered or offered for delivery, in said City of Stockton; also to provide for the inspection of dairies and dairy cows from which milk is supplied for sale or consumption within said city, and to grant permits for the sale and disposition of milk within said city.

Sec. 2 The Health Officer of the City of Stockton shall be, and he is hereby made and appointed Inspector of Milk. The duties of the Inspector of Milk shall be all such duties as are required from and imposed upon him by the provisions of this Ordinance, and by any other Ordinance of the City of Stockton, and such as are or shall be required from and imposed upon him by the rules and regulations of the Board of Health of the City of Stockton.

The Health Officer, as Inspector of Milk, shall receive no other or further salary or compensation than the salary now allowed him by the City of Stockton as such Health Officer.

Sec. 3. It shall be unlawful for any milk producer or milk vendor, or for any person whomsoever, after this Ordinance becomes operative, either himself or through his agents, servants or employes, to offer or to expose for sale, or to sell or to deliver for sale, use or consumption, within the City of Stockton, any milk without first having obtained from the Board of Health of the City of Stockton a permit so to do, and a license therefor, as hereinafter provided.

Sec. 4. To procure such permit, the applicant shall first present to the Board of Health of said city a written application, which application shall state and contain:

1. The name and business residence and address of the applicant or applicants.

2. The source or sources from which said applicant or applicants obtain or will obtain supplies of milk.

3. The number of cows in possession of such applicant.

4. The average quantity of milk procured and the average quantity, estimated in gallons, disposed of by said applicant each three months.

5. The manner and character of such disposition.

6. The specific brand or business name, if any, under which said milk is to be sold, exchanged or distributed.

7. The location of the dairy.

8. That the applicant will not sell or deliver, within said city, any milk taken from any cow that has not been inspected, and duly certified in writing, by the Inspector of Milk of said city, as being in a healthful condition.

9. A stipulation that the Inspector of Milk, Board of Health, or any member, officer or employe of said Board, shall have the right at any time to visit the premises of the applicant and inspect the cows, stables, corrals, milkhouses, all apparatus used in gathering or distributing the milk, food and water supplies, and take samples from the dairy or any milk wagon or milk receptacle, and use such tests as the said Board of Health may indicate as being in their judgment the best established to prevent the sale or delivery of unhealthy, unwholesome, impure or adulterated milk within said city.

10. A stipulation that applicant shall cause to be taken and removed daily from any stable or milking shed all manure and anything and everything of a foul or unclean nature; and will keep all

buildings used in and about his dairy business, including stables and sheds, clean, and will whitewash all buildings thoroughly every spring and every fall of each year; and shall keep all corrals and cow yards clean and reasonably free from mud and manure, and will not allow any manure to be stacked against any cow stable or shed or against or in proximity to any building wherein milk is handled, treated or kept.

11. That applicant agrees to cause each cow's milk to be removed from stable or shed immediately upon milking, and strained, cooled and aerated.

12. A stipulation that applicant will abide by any and all regulations of said Board of Health, and by the provisions of this and all Ordinances of the City of Stockton relating to sale and delivery of milk therein, and the care, conduct and management of dairies and dairy cows supplying milk for consumption by the inhabitants thereof.

The applicant in such application must also request the Inspector of Milk to inspect the applicant's dairy cow, cows or herd; the corrals, stable and premises; the food and water supply for such cow, cows or herd; and the apparatus used for gathering or distributing the milk as herein provided.

Said application must be made upon printed blanks to be provided by the Board of Health, and must be fully filled out, and must be signed and duly verified by applicant.

The applicant must present said application to the City Clerk of said city, and must deposit at the same time with said Clerk the amount collectible for his license, estimated at the rate and in the manner as set forth in Section 8 of this Ordinance.

Sec. 5. Upon presentation to the Board of Health of such application, together with a certificate of the Inspector of Milk (certifying that the applicant's dairy, cows, stables, sheds, milkhouses, yard, food and water supply, and all apparatus used for gathering or distributing milk, are all in the condition as required by the rules and regulations of the Board of Health, and by the provisions of this Ordinance, and of any other Ordinance of the City of Stockton), said Board shall determine whether or not the statements therein made are true and whether or not the applicant purposes selling or offering or exposing for sale or delivering or distributing within the City of Stockton any unhealthy, impure or unwholesome milk as food for any human being, and shall approve or disapprove said application according to such determination. If it is approved, the Board of Health shall issue to said applicant a permit to bring into, sell or deliver for sale, expose or offer for sale, exchange, deliver or distribute milk within the City of Stockton, subject, however, to the rules and regulations of the Board of Health, and in conformity with the provisions of this Ordinance, or any other Ordinance of the City of Stockton, relating to the sale of milk therein, and to the management, conduct and care of cows and dairies from which milk is supplied to the inhabitants thereof.

If disapproved, the application, with the reasons of the Board for such disapproval indorsed thereon, together with said license fee deposited therewith with the City Clerk, shall be returned to the applicant, who shall have the right to renew his application for a permit and license upon conforming with the suggestions of said Board indorsed upon such application.

Each permit issued by the Board of Health shall be dated and numbered, and signed by the President and Secretary of the Board.

The Board of Health shall cause to be recorded, in a register to be provided and kept by the Board for that purpose, each regular

application for a permit received by it, together with the permit number, if a permit be issued upon such application to the applicant.

Sec. 6. Permits shall be granted for and shall remain in force for three (3) months and for no longer time, unless sooner revoked for cause.

The holder or holders of any permit desiring a renewal of the same shall, at least five (5) days prior to its expiration, deliver to the City Clerk, depositing with said Clerk at the same time the amount collectible for his license, estimated at the rate and in the manner as set forth in Section 8 of this Ordinance, for presentation to the Board of Health, an "Application for Renewal," which shall state the name of the applicant; the applicant's original "permit number;" the date of the issuance of the original permit, or the previous renewal; that the applicant's business has been carried on and conducted in accordance with the rules and regulations of the Board of Health, and with the provisions of this Ordinance, and all other Ordinances of the City of Stockton relating to the sale of milk therein, and to the management, conduct and care of cows and dairies from which milk is supplied to the inhabitants thereof; the average quantity of milk, estimated in gallons, disposed of by applicant to inhabitants of the City of Stockton, during each three months; the number of cows in possession of applicant; and the date that the applicant's dairy, cows or herd, premises and apparatus for gathering or distributing milk were last inspected. All applications for renewal must be signed and verified by the applicant.

If the Board finds that all of the statements of the application are true, it shall approve the application, and shall grant a renewal of permit to the applicant, for the same length of time as that for which it was originally granted, but the applicant's original permit number shall not be changed.

If disapproved, the application for renewal, with the reasons of the Board for such disapproval indorsed thereon, shall be returned to the applicant, and no renewal of permit shall be granted to such applicant until he has complied with the suggestions of the Board indorsed upon the application for renewal, to the satisfaction of the Board.

Sec. 7. Upon presentation to the City Clerk of such permit from said Board, or such renewal of permit from said Board, the City Clerk shall issue to the person entitled thereto a license to carry on and conduct within the City of Stockton, for the term of three (3) months, the business in this Ordinance provided for. Each license issued shall be dated the same date as the date of the permit, or the date of the renewal of permit upon which such license is issued, and shall be for the term of three (3) months, and no longer.

Sec. 8. Licenses shall be issued by the City Clerk to persons entitled thereto upon the payment of the amounts hereby fixed as the rates to be charged and collected for such licenses, to-wit:

For each and every ninety (90) gallons of milk sold, delivered, furnished or disposed of, within the City of Stockton, during each quarter of a year, the sum of fifteen (15) cents.

The amount of the fee to be charged and collected for issuing a license shall be determined by dividing the estimated number of gallons sold, delivered, furnished or disposed of within the City of Stockton during each quarter of a year as set forth in and shown by the verified application of the applicant by ninety (90), the number of gallons

above fixed, and multiplying the quotient thus obtained by fifteen (15) the rate per gallon above fixed, but no less an amount than fifteen (15) cents shall be charged and collected for any license.

Sec. 9. The City Clerk shall pay, or cause to be paid, into the general fund of the City of Stockton all moneys collected or received under the provisions of this Ordinance, during each month.

Sec. 10. One such permit and license shall be required for each place of general storage of milk. Such permits and licenses shall be issued only in the name of the owners of the supply of milk thus on storage or for sale, and shall, for the purpose of this Ordinance, be conclusive evidence of such ownership. No such permits or licenses shall be sold or assigned or transferred. Such permits shall be subject at all times to revocation by said Board of Health in its discretion upon sufficient cause therefor shown; provided, however, that no such permit shall be revoked until after a hearing given by said Board of Health in the matter of the revocation of such permit after five (5) days' notice in writing has been served on the owner of such permit in the manner prescribed for the service of notice by Section 1011 of the Code of Civil Procedure of the State of California, which notice shall state the ground of complaint against such owner, and the time and place where such hearing shall take place; and provided further, that no permit shall be revoked by said Board of Health for the first offense without the unanimous consent of all the members of said Board.

Sec. 11. No person or persons, firm or corporation, shall sell or expose for sale or exchange or deliver or distribute, within the limits of the City of Stockton, milk from any wagon or vehicle, unless such wagon or vehicle shall have exposed on both sides thereof the permit number of the person or persons, firm or corporation selling or offering or exposing for sale or distribution, or delivering or exchanging such milk. Such permit number shall be painted on said wagon or vehicle in numbers not less than three inches in height, in what is known as Arabic numerals, and shall be placed on said wagon or vehicle under the direction and according to the requirements of said Board of Health, and in case milk is sold from cans or vessels (carried by human beings or on horseback), then the permit number of the person or persons, firm or corporation so selling or offering for sale, delivery or distribution or exchange, such number shall be placed in a conspicuous place on such can or vessel immediately below the opening thereof, so as to be plainly apparent on superficial inspection; or, if such milk is sold or exposed or offered for sale, delivery, distribution or exhange within a store or house, or on the sidewalk of any street in said City of Stockton, then such permit number shall also be constantly exposed in some conspicuous manner at the place wherever such milk is sold or kept, so as to be plainly apparent.

Sec. 12. It shall be unlawful for any person or persons, firm or corporation, by themselves or by their agents, servants or employes, within the City of Stockton, State of California, to render or manufacture, sell, offer for sale, exchange, deliver, distribute or have in his or its possession, with intent to sell, expose or offer for sale or exchange, or distribute for human consumption, any impure, adulterated, unhealthy or unwholesome milk.

Sec. 13. The terms adulterated, impure, unhealthy and unwholesome as used in this Ordinance, mean:

First—Milk containing less than twelve (12) per centum of milk solids.

Second—Milk containing more than eighty-eight (88) per centum of water or fluids.

Third—Milk containing less than three and one-fifth ($3\frac{1}{5}$) per centum of fats.

Fourth—Milk that has been drawn from a cow more than fifteen (15) hours.

Fifth—Milk drawn from cows within fifteen days before or within seven days after calving.

Sixth—Milk drawn from cows fed on any unhealthy or unwholesome food.

Seventh—Milk drawn from cows kept in an unhealthy or unsanitary condition, or from cows affected with any form of disease, or from cows which are supplied with water which is impure or unwholesome.

Eighth—Milk from which any part of the cream has been removed.

Ninth—Milk which has been diluted with water or with any other fluid or to which has been added or into which has been introduced any foreign substance whatever.

Tenth—Milk drawn from cows or by milkers that are themselves in a condition of filth or uncleanliness.

Eleventh—Milk drawn from cows by any person who has a contagious disease.

Twelfth—Any milk which is shown by analysis to contain any substance or substances of any character whatsoever not natural or normal constituents of milk, or to have deprived either wholly or in part, of any constituent natural or normally contained in milk.

Sec. 14. It shall be unlawful for any person or persons, firm or corporation to have or carry on any wagon or vehicle upon or from which milk or cream is being or is brought, carried, stored, deposited, sold, exchanged, delivered or distributed or offered or exposed for sale or distribution as food for any human being, any swill, garbage, refuse or any decaying or fermenting, putrefying, foul, unwholesome, noxious or filthy matter, or any cans or receptacles containing any material or substance with which cream or milk might be diluted, adulterated or rendered impure, unwholesome or unhealthy.

Sec. 15. In order to carry out the purposes of this Ordinance, the said Inspector of Milk, the said Board of Health and all its officers, agents and employes shall have the right at any and all times to enter upon or into the premises of any producer or vendor or distributor of milk authorized under the provisions of this Ordinance; and any refusal upon the part of such producer, vendor or distributor to allow such entry and such inspection as may be required and directed by said Board of Health, may be punished by the revocation of the permit of such producer, distributor or vendor by the said Board of Health.

Sec. 16. It shall be the duty of the said Milk Inspector from time to time, or whenever ordered by the Board of Health so to do, to inspect the dairies and other establishments from which milk brought into the City of Stockton is obtained, and ascertain to the satisfaction of the Board whether the provisions and requirements of this Ordinance are constantly complied with.

Sec. 17. The said Inspector of Milk, Board of Health and all its officers, agents and employes, shall have the right, and it shall be their duty, to enter and have full access, egress and ingress to all places where milk is stored or kept for sale, and to all wagons, carriages or other vehicles, railroad cars, steamboats or conveyances of every kind used for the conveyance or transportation or delivery of milk, for the purpose of consumption in the City of Stockton.

Sec. 18. The Board of Health and all its officers, agents and employes, and the Inspector of Milk, shall have the right at any time to take samples of milk from any person, persons or concern selling or exposing for sale or exchanging or delivering or distributing milk in the City of Stockton, not exceeding, however, one quart thereof, such sample to be taken and sealed in full view and in the presence of the person from whom said sample is taken, and shall then and there furnish the person from whom such sample of milk is taken one-half of such sample hermetically sealed, and shall deliver to said Board of Health immediately the sample so taken hermetically sealed. Such samples shall have written thereon, at the time of the delivery thereof to said Board of Health, the number of the dealer's permit, and the date of the obtainment of the sample, and the name of the person by whom it was taken, and a memorandum thereof shall be made by the person obtaining such sample in a book kept for that purpose in the office of the Board of Health, showing the name of the owner or driver from whom, and the date when the same was taken, and the number of the dealer's permit.

Sec. 19. It shall be the duty of the owner, agent or manager of any dairy in the City of Stockton, or of any dairy from which milk is brought into the City of Stockton, to forthwith report to the Board of Health of said city, in writing, anything of which he has knowledge or notice tending to render milk obtained from such dairy unwholesome, impure or unhealthy.

Sec. 20. It shall be unlawful for any person or persons, firm or corporation, to obstruct or interfere with the Inspector of Milk, the said Board of Health, or any officer, agent or employe of said Board, in the performance of any of the duties required by this Ordinance.

Sec. 21. Nothing herein contained shall be construed to prevent or prohibit the use or manufacture of what is known as condensed milk, or what is known as buttermilk, or what is known as sour milk, provided the same are made, compounded or prepared from pure, clean, fresh, wholesome and unadulterated milk within the meaning of this Ordinance, and are in sound and wholesome condition; provided, also, that in case of condensed milk the proportion of milk solids shall be equivalent to twelve (12) per centum of milk solids in crude milk, and that of such solids twenty-six and one-half (26½) per centum shall be fat.

Sec. 22. Any person who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and, upon conviction, shall be punished as provided in Section seventy-four (74) of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 23. This Ordinance shall be in force and effect thirty days from and after its passage and approval.

ORDINANCE No. 415.

(Approved June 12, 1906.) O. B. 7—80.

An Ordinance Fixing and Establishing Fire Districts Within the City of Stockton.

Section 1. The fire district of the City of Stockton shall comprise that part of the city lying within the following boundaries, to-wit:

Beginning at a point where the center line of Monroe street intersects the center line of Weber avenue; running thence easterly along said center line of Weber avenue to its intersection with the center line of Center street; running thence northerly along the center line of Center street produced to its intersection with the center line of Miner Channel; thence meandering said center line of Miner Channel upstream in an easterly direction to its intersection with the center line of American street; running thence southerly along the center line of American street to its intersection with the center line of Channel street; running thence easterly along the center line of Channel street to its intersection with the center line of Stanislaus street; running thence southerly along the center line of Stanislaus street to its intersection with the center line of block eight (8), east of Center street, produced westerly; running thence easterly along the center lines of blocks eight (8) and nine (9), east of Center street, and said center lines produced, to the intersection with the center line of Aurora street; running thence northerly along the center line of Aurora street to its intersection with the center line of Weber avenue; running thence easterly along the center line of Weber avenue to its intersection with the center line of Sacramento street; running thence southerly along the center line of Sacramento street to its intersection with the center line of Washington street; running thence westerly along the center line of Washington street to its intersection with the center line of Grant street; running thence northerly along the center line of Grant street to its intersection with the center line of block seventeen (17), east of Center street, produced easterly; running thence westerly along the center lines of blocks seventeen (17) and sixteen (16), east of Center street, and said center lines, produced, to the intersection with the center line of American street; running thence southerly along the center line of American street to its intersection with the center line of block twenty-four (24), east of Center street, produced southerly; running thence westerly to the center of block twenty-four (24), east of Center street; running thence southerly along the center lines of blocks twenty-four (24) and thirty-three (33), east of Center street, and said center lines produced, to the intersection with the center line of Lafayette street; running thence westerly along the center line of Lafayette street to its intersection with the center of block thirty-two (32), east of Center street; running thence northerly along the center line of said blocks thirty-two (32) and twenty-three (23), east of Center street, to the center of said block twenty-three (23); running thence westerly along the center lines of blocks twenty-three (23) and twenty-two (22), and said center lines produced, to the center of block twenty-two (22), east of Center street; running thence southerly along the center lines of blocks twenty-two (22) and thirty-one (31), east of Center street, and said center lines produced, to the intersection with the center line of Lafayette street; running thence westerly along the center line of Lafayette street to its intersection with the center line of block thirty-seven (37), east of Center street, produced northerly; running thence southerly along the center

lines of blocks thirty-seven (37), forty-six (46) and fifty-five (55), east of Center street, and said center lines produced, to the south line of block fifty-five (55), east of Center street; running thence westerly along the south line of block fifty-five (55), east of Center street, and block seventeen (17), west of Center street, and said lines produced, to the center of block seventeen (17), west of Center street; running thence northerly along the center lines of blocks seventeen (17), sixteen (16), thirteen (13), ten (10), seven (7) and four (4), west of Center street, and said center lines produced, to the center of said block four (4); running thence westerly to the center of block five (5), west of Center street; running thence northerly along the west line of lots fifteen (15) and seven (7), in block five (5), west of Center street, and said lines produced, to the intersection with the center line of Main street; running thence westerly along the center line of Main street to its intersection with the center line of Monroe street; running thence northerly along the center line of Monroe street to the point of beginning.

Sec. 2. The blocks, parts of blocks, streets, parts of streets, squares, alleys and places situate within the above described boundaries are hereby declared to be the fire districts of the City of Stockton.

Sec. 3. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 404.

(Approved December 23, 1905.) O. B. 7—59.

An Ordinance Determining the Number, Defining Regular Employes and Fixing the Compensation of the Employes in the Stockton Fire Department.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. In addition to the Secretary of the Board of Police and Fire Commissioners and the Chief Engineer of the Stockton Fire Department, there shall be an Acting Chief Engineer, when, by reason of absence from the city or from any cause whatever, the Chief Engineer is unable to perform the duties of his position; a corporation yard man, who shall be a regular employe; and for each steam fire engine of said department in regular continuous commission there shall be a company consisting of an engineer, a driver of engine, a driver of hose wagon or cart, who shall each be regular employes of the department, and a foreman and five hosemen, who shall be call men; for each chemical fire engine in regular continuous commission there shall be a company, consisting of a captain, a driver of engine, and a lineman, who shall each be regular employes of the department; for each hook-and-ladder truck of said department in regular continuous commission there shall be a company, consisting of a driver and a tillerman, who shall each be regular employes of the department; a foreman and four truckmen, who shall each be call men; and for each extra hose wagon or cart in actual service, a driver, who shall be a regular employe of the department; in addition to the employes of the Fire Department herein named, there shall be employed as regular employes of said department two men, to be known as subdrivers, who shall perform such duties as may be assigned to them by the Chief of the Fire Department.

Sec. 2. The compensation of the employes in the Stockton Fire Department shall be as follows:

Secretary of the Board of Police and Fire Commissioners, fifteen ($15.00) dollars per month.

Chief Engineer, a salary not exceeding eighteen hundred ($1,800) dollars per year, as fixed by the City Council under Section 50 of the Charter of the City of Stockton.

Acting Chief Engineer, at the rate of one hundred ($100) dollars per month for each and every day engaged in performing the duties of Chief Engineer.

Corporation yard man, eighty-five ($85.00) dollars per month.

Each foreman, thirty ($30.00) dollars per month.

Each captain, ninety ($90.00) dollars per month.

Each engineer of steam fire engine, eighty-five ($85.00) dollars per month.

Each driver of steam or chemical fire engine, or hook-and-ladder truck, eighty-five ($85.00) dollars per month.

Each driver of hose wagon or cart, each lineman and tillerman, eighty-five ($85.00) dollars per month.

Each subdriver, eighty-five ($85.00) dollars per month.

And each hoseman and truckman of the department, twenty ($20.00) dollars per month.

Sec. 3. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 4. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 82.

(Approved March 16, 1892.)

Providing for the Appointment From the Police Force of the City of Stockton of a Captain of Police, and Providing for His Compensation and Duties.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Whereas, the increase of the population and the interests of the City of Stockton require and demand a Captain of the Police Department of the City of Stockton, therefore that there be and hereby is established the office of Captain of Police of the Stockton Police Department, and such officer is hereby designated Captain of Police.

Sec. 2. That such Captain of Police shall be appointed by the Board of Police and Fire Commissioners of the City of Stockton, and the person so appointed shall be and for at least one year immediately prior to his appointment, shall have been a member of the regular police force of the City of Stockton.

Sec. 3. The duties of said Captain of Police shall be such as are now required of the Chief of Police of this city, and such other duties as the Board of Police and Fire Commissioners may, by rule, from time to time prescribe.

Sec. 4. The salary of said Captain of Police shall be the sum of $90 per month.

Sec. 5. The said Captain of Police shall, subject to the provisions of Section 143 of the City Charter, hold office up to the 15th day of July, 1893, and from thence thereafter his duration of office shall be

two years. And at the expiration of his term of office he shall become and be one of the policemen on the regular force of the City of Stockton.

Sec. 6. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 114.

(Approved May 25, 1893.)

Fixing the Compensation of the City Surveyor for Work Performed by Him Upon the Streets, Lanes, Alleys, Courts, Places and Sidewalks, and for the Construction of Sewers in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The compensation of the City Surveyor of the City of Stockton for all work performed by him, under the provisions of an Act entitled "An Act to provide for work upon streets, alleys, lanes, courts, places and sidewalks, and for the construction of sewers within municipalities," which said Act is commonly known as the Vrooman Act, is hereby fixed as follows:

For grading, curbing and graveling, not more than 460 feet, at the rate of 10 cents per running foot.

For grading, curbing and graveling, all over 460 feet, at the rate of 7 cents per running foot.

For grading and curbing, per running foot, 6 cents.

For graveling and curbing, per running foot, 5 cents.

For paving, macadamizing and curbing, per running foot, 10 cents.

For constructing sidewalks, per running foot, 3 cents.

For constructing sewers, including preparation of district, assessment diagram, per running foot of sewers constructed, 5 cents.

Sec. 2. The City Surveyor shall be entitled to collect for doing any of the work mentioned in this section at the following rates:

For surveying single lot and establishing sidewalk grade for same, $7.

For establishing sidewalk grade, one side of block, $4.

For establishing sidewalk grade, one lot, $2.50, and for two lots or more (but less than one block), $3.50.

Sec. 3. The fees provided in Sections 1 and 2 of this Ordinance shall be full compensation for all the services rendered by the City Surveyor on, in or about any of the work hereinbefore mentioned, and are in addition to the salary provided for the City Surveyor of the City of Stockton by Section 50 of the Charter of said city.

Sec. 4. All Ordinances or parts of Ordinances so far as they are in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 163.

(Approved November 29, 1895.)

Establishing an "Urgent and Necessity Fund," and Providing Funds Therefor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby established and provided under the provisions of Subdivision 41 of Section 30 of the City Charter an

urgent and necessity fund, which fund shall be expended under the direction of the Mayor. Such fund shall never exceed the sum of $500 in any fiscal year, and shall consist of such moneys as the City Council shall from time to time set apart for that purpose from the general fund.

Sec. 2. The City Council may provide by resolution for the payment out of the general fund of such sums for such urgent and necessity fund as they may deem proper, not exceeding, however, the sum of $500 in any fiscal year.

Sec. 3. The Mayor shall report to the City Council at least once in three months the condition of such fund and his expenditures thereunder.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage and approval.

RESOLUTION FIXING AMOUNT OF OFFICIAL BONDS.

(Adopted May 22, 1905.)

Be it resolved by the City Council of the City of Stockton as follows:

That the Mayor, members of the City Council, the City Clerk, City Assessor (who is ex-officio Treasurer and Tax Collector), City Auditor, City Engineer, City Attorney, Prosecuting Attorney, Superintendent of Streets (who is ex-officio Harbormaster), City Superintendent of Schools, School Directors, Library Trustees, Police and Fire Commissioners, Chief of Police, Chief of the Fire Department, Park Commissioners and the City Justice, shall each, within ten days after mailing or delivery to him of his certificate of election or appointment, file an official bond, with two or more sureties, duly qualified, conditioned according to law, in the respective sums following:

The Mayor	$ 10,000
The City Clerk	10,000
The City Assessor	5,000
The City Treasurer	100,000
The City Tax Collector	50,000
The City Auditor	10,000
The Superintendent of Streets	5,000
The Harbormaster	5,000
The City Attorney	5,000
The Prosecuting Attorney	2,000
Each Police and Fire Commissioner	1,000
The Chief of Police	5,000
The Chief of the Fire Department	2,000
Each School Director	2,000
Each Park Commissioner	1,000
Each Library Trustee	2,000
Each Member of the City Council	5,000
The City Engineer	5,000
The City Superintendent of Schools	5,000
The City Justice	5,000

The bonds of the respective officers above named shall be presented, accepted and filed within ten days subsequent to the mailing or delivery to said officers of their certificates of election or appointment, respectively.

RESOLUTION FIXING SALARIES.

(Adopted April 15, 1907.)

Resolved, That the annual salaries and compensations of the following officers and employes of the City of Stockton, commencing on the first Monday in June, 1907, be and the same are fixed as per the following schedule:

Mayor	$2,500 per year
Each member of the Council	300 per year
Auditor	1,800 per year
Superintendent of Streets	1,800 per year
City Clerk	1,800 per year
City Engineer (and such fees as are or may be allowed by ordinance)	600 per year
City Attorney	1,500 per year
Prosecuting Attorney	900 per year

FIRE DEPARTMENT.

Chief Engineer	$1,800 per year
Each Captain	1,200 per year
Each Foreman	360 per year
Each Engineer of Steamer	1,200 per year
Each Driver	1,200 per year
Each Tillerman	1,200 per year
Each Hoseman	240 per year
Corporation Yard Man	1,200 per year
Each Truckman	240 per year
Secretary of Police and Fire Commission (one-half salary charged to each department)	180 per year

POLICE DEPARTMENT.

Chief of Police	$1,800 per year
Captain of Police	1,500 per year
Detective	1,380 per year
Each Patrolman	1,200 per year
Each Clerk	1,104 per year
Patrol Driver	1,104 per year

STREETS, SIDEWALKS, ETC.

Including Grades, Curbs, Gutters and Accepted Streets.

ORDINANCE No. 7.

(Being originally No. 310, approved July 29, 1890.)

Fixing the Grades of the Curbs and Gutters of the Streets of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. A map of the City of Stockton, entitled "Map of the City of Stockton, showing the curb and gutter grades," and also marked, in the lower right-hand corner, "Filed this 14th day of July, 1890, as being part of Ordinance Number 310. C. A. Campbell, City Clerk," is hereby made and declared to be the official grade map of the City of Stockton and a part of this Ordinance, and the grades indicated by the figures upon said map are, as hereinafter described, declared to be the official grades of the curbs and gutters of said streets.

Sec. 2. The numbers on said map marked in blue ink represent in feet and hundredths of a foot the elevations of the curbs at each intersection. Where but one number in blue ink is marked at an intersection it indicates the elevation of each of the corners of such intersection; where numbers in blue ink are placed at each of the corners of an intersection each number indicates the elevation of the curb at the corner of the intersection nearest to the number.

Sec. 3. The numbers on said map marked in red ink indicate in feet and hundredths of a foot the elevations of the gutters at each corner of each intersection, each number indicating the elevation of the gutter at the corner nearest to said number. In all instances where no number in red ink is placed at the corners of the intersections the gutters shall be seven inches below the curb grades of such corners.

Sec. 4. The curb and gutter grades for all points between those hereinbefore fixed shall be in the straight line joining the grades of the curbs and gutters respectively, as hereinbefore fixed for the adjacent corners.

Sec. 5. The base of levels or elevations marked on the said map for the curb and gutter grades is a level plane distant 102.8 feet below a certain brass peg one-half an inch in diameter located in the granite wall of the new San Joaquin County Courthouse, and at a point in the north recess of the northeast corner of said Courthouse, about six inches above the brickwork of the basement. Immediately above said peg are the letters "B. M." cut into the wall.

Sec. 6. The provisions of this Ordinance shall not be construed as applying to any improvements for which resolutions of intention have been already passed.

Sec. 7. All Ordinances and parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed.

Sec. 8. This Ordinance shall be in full force and effect from and after its passage.

[NOTE.—Curb and gutter grades fixed in the foregoing Ordinance have been changed on the following-named streets, by resolutions of intention adopted by the City Council, to-wit: Weber avenue from American to Sacramento street; San Joaquin street from Taylor street to a point 100 feet north of Taylor street; Main street from Sutter to San Joaquin street and from Hunter to El Dorado street; Weber avenue from Stanislaus to Aurora street; and said resolutions are as follows hereafter.]

ORDINANCE No. 432.

(Approved November 27, 1906.) O. B. 7—124.

An Ordinance Declaring the Grade of Sonora Street, Between the East Line of Aurora Street and the West Line of Sacramento Street, to Be Changed, and Establishing the Grade of the Same.

The City Council of the City of Stockton having on the 19th day of February, 1906, duly passed a resolution of intention to change and establish the grade of Sonora street between the east line of Aurora street and the west line of Sacramento street in this city, and describing and establishing the district to be bounded by such change or modification of grade, and the Superintendent of Streets having caused notices of the passage of such resolution of intention to be conspicuously posted within said district in the manner and form required by law, and no objection to said proposed change or modification of grade having been filed with the Clerk of this Council, and the petition

of the owners of all of the property affected by said proposed change of grade having been duly filed with the Clerk and presented to this City Council;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The grade of Sonora street, in the City of Stockton, between the east line of Aurora street and the west line of Sacramento street, is declared to be and the same is hereby changed and established in conformity with said resolution of intention as follows:

First—The curb grade at the intersection of said Sonora street with Aurora street is hereby fixed as at present at 102.67 feet above the datum plane of the Stockton City levels.

Second—The curb grade at a point 50 feet west of the west line of Sacramento street is hereby fixed at 103 feet above said datum.

Third—The curb grade at the west line of Sacramento street is fixed at 104.60 feet above said datum.

Fourth—The lower gutter grade is hereby fixed at seven inches below said curb grades.

Fifth—The grade of the crown of said street is hereby fixed for macadamizing or graveling at fourteen inches above said lower gutter grade.

Sixth—The grades of each of the curb, gutter and crown slope uniformly between said points as fixed for curb, gutter or crown grade.

Sec. 2. This Ordinance shall take effect from and after its final passage and approval.

RESOLUTION OF INTENTION No. 118.

Resolved, That it is the intention of the City Council of the City of Stockton to order the following changes in street grades to be made, to-wit:

First—At the two corners on the north side of the intersection of American street and Weber avenue the curb grade shall be changed to 101.00 feet above the base of levels for the grades of the City of Stockton, as fixed by Ordinance No. 7 (originally 310) of said city; and that the gutter grade at said corners shall be changed to 100.25 feet above said base.

Second—At the two corners on the north side of the intersection of Weber avenue and Stanislaus street the curb grade shall be changed to 101.50 feet and the gutter grade to 100.75 feet above said base.

Third—On Stanislaus street, 100 feet north of the north line of Weber avenue, the curb grade for both sides of the street shall be 100.47 feet, and the gutter grade 99.72 feet above said base.

Fourth—At the two corners on the north side of the intersection of Weber avenue and Grant street the curb grade shall be changed to 102.00 feet and the gutter grade to 101.25 feet above said base.

Fifth—At the two corners on the north side of Weber avenue and Aurora street the curb shall be changed to 102.50 feet and the gutter grade to 101.75 feet above said base.

Sixth—On Aurora street, 100 feet north of the north line of Weber avenue, the curb grade for both sides of the street shall be 101.47 feet and the gutter grade 100.72 feet above said base.

Seventh—At the northwest corner of the intersection of Weber avenue and Sacramento street the curb grade shall be changed to 103.50 feet and the gutter grade to 102.75 feet above said base.

Resolved, That the district to be affected by said changes in the grades is hereby designated and established as being:

Lots 2, 4, 6, 8, 10, 12 and 14, in block 67; lots 1, 2, 4, 6, 8, 10, 12 and 13, in block 68; lots 2, 4, 6, 8, 10, 11, 12 and 14, in block 69; lots 1, 2, 4, 6, 8, 10, 12 and 13, in block 70; lots 2, 4, 6, 8, 10, 11, 12 and 14, in block 229—all east of Center street in the City of Stockton as same are known and designated upon the official map and plat of said City of Stockton, and which said above described property shall be and is hereby constituted and designated the Assessment District within which there shall be levied, and upon the lands, lots or portions of lots therein situate shall be assessed and imposed an assessment to cover the total amount of the costs and expenses of such proposed work, as provided by law.

The Stockton Daily Independent is hereby designated as the daily newspaper published and circulated in this city in which this Resolution of Intention shall be published for two days and the notice thereof for six days, as often as said newspaper is issued therein. The Clerk of this Council is hereby directed to publish therein and post this resolution for two days conspicuously near the chamber door of said City Council. W. C. NEUMILLER.

Adopted May 24, 1898, by the following vote:

Ayes—Councilmen Neumiller, Quinn, Wagner, Williams and Harrison.

Noes—None.

Attest: I. H. ROBINSON, City Clerk.
W. B. HARRISON,
President of the City Council.

RESOLUTION OF INTENTION No. 141.

Resolved, That it is the intention of the City Council of the City of Stockton, County of San Joaquin, State of California, to order the following change in the grade of San Joaquin street:

That the curb grade of said street at its intersection with the north line of the roadway of Taylor street be raised 18 inches and the gutter grades at said intersection be raised 22 inches, and that the curb and gutter grades from said intersection slope gradually from the said raised grades to the present curb and gutter grades at a line 100 feet north of the north line of the said Taylor street.

The Daily Record is hereby designated as the daily newspaper, published and circulated in this city, in which this Resolution of Intention shall be published for ten days, as often as said newspaper is issued therein.

Adopted November 28, 1899, by the following vote:

Ayes—Councilmen Dickinson, Quinn, Turner and Williams.
Absent—Councilman Neumiller.

Attest: I. H. ROBINSON, City Clerk.
C. E. WILLIAMS,
President of the City Council.

Approved this 29th day of November, 1899.

W. B. HARRISON,
Mayor of the City of Stockton.

RESOLUTION OF INTENTION No. 152.

Resolved, That it is the intention of the City Council of the City of Stockton, County of San Joaquin, State of California, to change the grade of Main street as follows, to-wit:

First—That the grade of the gutter of said Main street at the west line of Sutter street, be changed so that it shall be four inches below the curb grade instead of nine inches below, as it is at present.

Second—That the gutter grade of said block be made to run uniformly from the above proposed grade at Sutter street to the existing grade at San Joaquin street.

Third—That the grade of the gutter of the said Main street at the west line of Hunter street and Hunter-street square be changed so that it shall be four inches below the curb grade instead of nine inches below, as it is at present.

Fourth—That the gutter grade of said street be made to run uniformly from the above proposed grade at Hunter street to the existing grade at El Dorado street.

Fifth—That the grade of the center of the street be made to remain as at present, flush with the top of the curbs opposite.

The Daily Record is hereby designated as the daily newspaper published and circulated in this city, in which this Resolution of Intention shall be published for ten days, as often as said newspaper is issued therein. The Clerk of this Council is hereby directed to publish therein this resolution for ten days.

Adopted May 24, 1900, by the following vote:

Ayes—Councilmen Dickinson, Neumiller, Turner and Williams.
Noes—None.
Absent—Councilman Quinn.

Attest: I. H. ROBINSON, City Clerk.
C. E. WILLIAMS,
President of the City Council.

Approved this 25th day of May, 1900.

W. B. HARRISON,
Mayor of the City of Stockton.

RESOLUTION OF INTENTION No. 153.

Resolved, That it is the intention of the City Council of the City of Stockton, County of San Joaquin, State of California, to order the following changes in the grades of Weber avenue in said city, to-wit:

That the grade of the gutters on said Weber avenue at the west line of each of the intersections with Aurora, Grant and Stanislaus streets, be changed so that the bottom of the gutter shall be four inches below the grades of the curbs at those points, and run uniformly to the present grades of the gutters on the east side of each of the streets next west of each of the said Aurora, Grant and Stanislaus streets. And that the grade of the crown of said avenue, from the west line of Aurora street to the east line of American street, be fixed for macadam at 20 inches above the gutter grade opposite.

The Stockton Daily Independent is hereby designated as the daily newspaper published and circulated in this city, in which this Reso-

lution of Intention shall be published for ten days, as often as said newspaper is issued therein, and the Clerk of the Council is hereby directed to publish this resolution in said newspaper.

W. C. NEUMILLER.

Adopted July 24, 1900, by the following vote:

Ayes—Councilmen Dickinson, Neumiller, Turner and Williams.
Absent—Councilman Quinn.

Attest: I. H. ROBINSON, City Clerk.
C. E. WILLIAMS,
President of the City Council.

Approved this 25th day of July, 1900.

W. B. HARRISON,
Mayor of the City of Stockton.

ORDINANCE No. 185.

(Approved April 10, 1897.)

Fixing the Grades of the Curbs and Gutters of the Streets of a Portion of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. A map of that portion of the City of Stockton lying between the west line of Edison street and the west line of West street and between the north line of the Stockton Channel and the south line of Rose street, entitled and indorsed: "Supplementary Grade Map, No. 1, of a portion of the City of Stockton lying between the west line of Edison street and the west line of West street and between the north line of the Stockton Channel and the south line of Rose street. Black figures at street intersections show curb elevations referred to same datum as used in the city grade map, filed July 14, 1890, as part of Ordinance No. 310. Gutter grades are seven inches lower than curb grades;" also indorsed in the lower left-hand corner: "Made by order of the City Council of the City of Stockton by H. T. Compton, City Surveyor." And also marked: "Filed this 22d day of March, 1897, as being part of Ordinance No. 185. H. R. Campbell, City Clerk," is hereby made and declared to be the official grade map of that portion of the City of Stockton hereinbefore described and a part of this Ordinance, and the grades indicated, specified and provided for therein, are declared to be the official grades of the curbs and gutters of the streets represented and marked upon said map.

Sec. 2. This Ordinance shall be in full force and effect from and after its passage and approval.

ORDINANCE No. 8.

(Being No. 326, approved April 9, 1891.)

Relating to Grading and Other Improvements of Streets and Fixing the Grades of the Same.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The surface grade of the crown or center line of every street or avenue hereafter improved shall be above the lower gutter grade along such street or avenue as follows: For pavement with bituminous rock or stone blocks, nine inches; for macadam or graveling,

if on an avenue, eighteen inches; if on a street running east and west, fourteen inches; if on a street running north and south, eighteen inches; excepting Scott's and Mormon avenues west of Stanislaus street, where in any case the same shall be two feet and six inches; excepting, also, Weber avenue from Aurora street to Union street, where in any case the same shall slope uniformly between and to the grades of the intersections as they are hereinafter fixed.

Sec. 2. The surface grade of the intersections of all streets or avenues shall at the apexes or crowns thereof be two inches above the mean of the points where the center lines of the intersecting streets or avenues meet the boundary lines of such intersections; excepting at the intersection of Weber avenue and Sacramento street, where the same shall be 105.00 feet above the official base or datum plane

Sec. 3. The cross section of the surface grade of every street or avenue shall, if such street or avenue is paved or macadamized, be the arc of a circle passing through the crown or center line aforesaid, and the lines of the gutter grades along said street or avenue; if such street or avenue is graveled, the same shall slope uniformly from the crown or center line to the lines of the gutter grades along such street or avenue.

Sec. 4. The cross section of the surface grade of sidewalks shall slope downward from the division line between the street and the abutting blocks, squares or lots, and towards and to the curb line, at the rate of one-quarter of an inch to the foot.

Sec. 5. The earth grade of any street or avenue hereafter graded shall be:

For intended paving, eight and one-half inches at the crown and also at the gutters below the surface grade.

For intended macadamizing, eight inches at the crown and six inches at the gutters below the surface grade, except as otherwise by the City Council determined.

For intended graveling, twelve inches at the crown and six inches at the gutters below the surface grade.

For grading without paving, macadamizing or graveling, at the crown five inches above and at the gutters six inches below the gutter grade.

The earth grade for the sidewalk space shall be the curb grade.

Sec. 6. The cross section of the surface of the earth grade shall, for paving, be the arc of a circle concentric with that of the surface grade; for graveling, and for grading without paving, macadamizing or graveling, the same shall slope uniformly from the crown to the gutters; for macadamizing, the same, unless otherwise determined by the City Council, shall be so that the thickness of the superincumbent layer of macadam shall decrease uniformly from eight inches at the crown to six inches at the gutters.

Sec. 7. This Ordinance shall take effect from and after its passage and approval.

[NOTE.—Sections 1 and 2 of the foregoing Ordinance have been amended by Ordinance No. 183, and also by Resolution of Intention No. 153.]

ORDINANCE No. 435.

(Approved December 24, 1906.) O. B. 7—130.

Relating to Grading and Other Improvements of Streets and Fixing the Grades of the Same.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The surface grade of the crown or center line of every street or avenue hereafter improved shall be above the lower gutter grade along such street or avenue as follows: For pavement with bituminous rock or stone blocks, nine inches; for macadam or graveling, if on avenue, eighteen inches; if on a street running east and west, fourteen inches; if on a street running north and south, eighteen inches; excepting Scott's and Mormon avenues west of Stanislaus street, where in any case the same shall be two feet and six inches; excepting, also, Weber avenue from Aurora street to Union street, where in any case the same shall slope uniformly between the two grades of the intersections as they are hereinafter fixed; and excepting, also, Sacramento street from Main street to Park street, where the same shall be one hundred and three and 92-100 (103.92) feet above the official base or datum plane.

Sec. 2. The surface of the intersections of all streets or avenues shall, at the apexes or crowns thereof, be two inches above the mean of the points where the center lines of the intersecting streets or avenues meet the boundary lines of such intersections, excepting at the intersections of Sacramento street with Main street, Weber avenue, Channel street, Miner avenue, Lindsay street, Fremont street, Oak street and Park street, where the same shall be one hundred and three and 92-100 (103.92) feet above the official base or datum plane.

Sec. 3. The cross section of the surface grade of the roadway of every street or avenue hereafter improved shall, if such street or avenue is paved or macadamized, or graveled, or macadamized and oiled, or graveled and oiled, be the arc of a circle passing through the crown or center line aforesaid, and the lines of the gutter grades along said street or avenue.

Sec. 4. The cross section of the surface grade of sidewalks shall slope downward from the division line between the street and the abutting blocks, squares or lots and towards and to the curb line at the rate of one-quarter of an inch to the foot.

Sec. 5. The earth grade of the roadway of any street or avenue hereafter graded shall be:

For intended paving, eight inches at the crown and also at the gutters below the surface grade, except as otherwise by the City Council determined.

For intended macadamizing, seven inches at the crown and five inches at the gutters below the surface grade, except as otherwise by the City Council determined.

For intended graveling, eight inches at the crown and six inches at the gutters below the surface grade, except as otherwise by the City Council determined.

For intended macadamizing, with oiling, seven and one-half inches at the crown and five and one-half inches at the gutters below the surface grade, except as otherwise by the City Council determined.

For intended graveling, with oiling, eight and one-half inches at the crown and six and one-half inches at the gutters below the surface grade, except as otherwise by the City Council determined.

For grading only, seven inches at the crown and five inches at the gutters below surface macadam or gravel grade as fixed in this Ordinance.

The earth grade for the sidewalk space shall be the curb grade.

Sec. 6. The cross section of the earth grade of the roadway shall in all cases be an arc of a circle. For intended paving, the arc of cross section shall be concentric with the surface grade as determined by the thickness of the pavement. For intended macadamizing or graveling, or macadamizing and oiling, or graveling and oiling, the arc of cross section shall be fixed by the bottom of the superincumbent layer of material, the thickness of which shall be as determined by the City Council.

Sec. 7. Ordinances No. 8 and No. 183 of the Ordinances of the City of Stockton are and each of them is hereby repealed.

Sec. 8. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 183.

(Approved March 25, 1897.)

Amending Sections 1 and 2 of Ordinance No. 8, "Relating to Grading and Other Improvements of Streets, and Fixing the Grades of the Same," Being Originally No. 326, Approved April 9, 1891.

Be it ordained by the City Council as follows:

Section 1. Sections 1 and 2 of Ordinance No. 8, entitled "Relating to grading and other improvements of streets, and fixing the grades of the same" (being originally No. 326, approved April 9, 1891), is hereby amended so as to read as follows:

Section 1. The surface grade of the crown of center line of every street or avenue hereafter improved shall be above the lower gutter grade along such street or avenue as follows: For pavement with bituminous rock or stone blocks, nine inches; for macadam or graveling, if on avenue, eighteen inches; if on a street running east and west, fourteen inches; if on a street running north and south, eighteen inches: excepting Scott's and Mormon avenues west of Stanislaus street, where in any case the same shall be two feet and six inches; excepting, also, Weber avenue from Aurora street to Union street, where in any case the same shall slope uniformly between the two grades of the intersections as they are hereinafter fixed; and excepting, also, Sacramento street from Main street to Park street, where the same shall be one hundred and three and 92-100 (103.92) feet above the official base or datum plane.

Sec. 2. The surface grade of the intersections of all streets or avenues shall, at the apexes or crowns thereof, be two inches above the mean of the points where the center lines of the intersecting streets or avenues meet the boundary lines of such intersections, excepting at the intersection of Sacramento street with Main street, Weber avenue, Channel street, Miner avenue, Lindsay street, Fremont street, Oak street and Park street, where the same shall be one hundred and three and 92-100 (103.92) feet above the official base or datum plane.

Sec. 3. This Ordinance shall take effect from and after its approval.

ORDINANCE No. 9.

(Being originally No. 327, approved April 9, 1891.)

Relating to Streets; Defining Certain Terms as Officially Used; Fixing the Location of the Curb Line and Thereby the Width of the Roadway and Sidewalk Space, and Fixing the Width of the Sidewalk and Tree Space.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. In this Ordinance or in any Ordinance or official instrument hereafter passed or made, the phrase "curb line" shall be used and construed to mean a line in a street or avenue parallel with the division line between such street or avenue, and the blocks, squares or lots abutting on such street or avenue, and distant from such division line as by Ordinance determined; the phrase "sidewalk space" shall be used and construed to mean the space between said division line and the curb line; the phrase "tree space" shall be used and construed to mean so much of the sidewalk space next the curb line as by Ordinance may be determined; the phrase "grass space" shall be used and construed to mean so much of the sidewalk space next the division line aforesaid as the Council may in anywise determine; the word "sidewalk" shall be used and construed to mean the structure or improvement constituting the surface of so much of the sidewalk space as by Ordinance may be determined; the word "roadway" shall be used and construed to mean so much of the street or avenue as lies between the curb lines thereof.

Sec. 2. The curb line is fixed and shall be distant from the division line between the street or avenue and the blocks, squares or lots abutting on such street or avenue as follows:

1. On Main street, from center line of Sacramento street to center line of Elk street, ten feet; excepting that on the north side of block 12, east of Center street, the same is fourteen feet, and that on the north side of block 15, east of Center street, the same is thirteen feet.

2. On Market street, from the center line of Sacramento street to center line of Center street, ten feet.

3. On Weber avenue and Weber levee, from center line of Center street to center line of Sacramento street, fifteen feet, and from center line of Center street to center line of Tule street, twelve feet.

4. On Center street, from center line of Mormon avenue to center line of Weber levee, on west side of Hunter street, from center line of Washington street to a line 150 feet north of north line of Market street, and from center line of Weber avenue to center line of Channel street, on California street, to center line of Washington street, to center line of Miner avenue, on east side of Hunter, west side of Sacramento, on El Dorado, San Joaquin, Sutter, American, Stanislaus, Grant and Aurora streets, from (on the last-named nine streets) center line of Washington street to center line of Channel street and on Tuleburgh levee, twelve feet.

5. On west side of Hunter street, from center line of Weber avenue to a line 150 feet south of the south line of Main street, seventeen feet.

6. On all avenues (not streets), excepting as hereinbefore specified, fourteen and one-half feet.

7. On all streets (not avenues) running east and west, excepting as hereinbefore specified, ten and one-half feet.

8. On all streets running north and south excepting as hereinbefore specified, twelve and one-half feet.

Sec. 3. On all streets and avenues other than such as are included and designated in Subdivisions 6, 7 and 8 of Section 2 aforesaid, the sidewalk shall be co-extensive with the sidewalk space as hereinbefore bounded by said division line and said curb line. On all streets and avenues which are included and designated in said Subdivisions 6, 7 and 8, the sidewalk shall, unless the Council specially permit otherwise, extend to within at least two and one-half feet of the curb line—that is to say, there may be a tree space two and one-half feet wide; provided, however, that outside of the district bounded by the center lines of Sacramento, Lindsay, Elk and Lafayette streets, the City Council may, by resolution in each particular case, fix the width of the sidewalk as said Council may be advised.

Sec. 4. This Ordinance shall take effect from and after its passage and approval.

[NOTE.—Section 3 of the foregoing Ordinance has been amended by Ordinance No. 188.]

ORDINANCE No. 188.

(Approved May 19, 1897.)

An Ordinance Amending Ordinance No. 9 (Being Originally No. 327, Approved April 9, 1891), by Amending Section 3 Thereof, and by Adding Thereto a New Section Relating to the Material of Which and the Manner in Which Sidewalks Shall be Constructed.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 3 of Ordinance No. 9 (being originally No. 327, approved April 9, 1891) entitled "Relating to streets; defining certain terms as officially used; fixing the location of the curb line and thereby the width of the roadway and sidewalk space, and fixing the width of the sidewalk and tree space," is hereby amended so as to read as follows:

Section 3. On all streets and avenues other than such as are included and designated in Subdivisions 6, 7 and 8 of Section 2 aforesaid, and other than that portion of Weber avenue between the center line of American street and the center line of Sacramento street, and that portion of Market street between the center line of American street and the center line of Sacramento street, the sidewalk shall be co-extensive with the sidewalk space as hereinbefore bounded by said division line and said curb line.

On all streets and avenues which are included and designated in said Subdivisions 6, 7 and 8, and on the portions of Weber avenue and Market street above described, the sidewalk shall extend to within and no nearer than four feet of the curb line, and shall be of not less than the following widths, to-wit: Where the sidewalk space is ten feet, six feet; where the sidewalk space is ten and one-half feet, six feet; where the sidewalk space is twelve feet, seven feet; where the sidewalk space is twelve and one-half feet, seven feet; where the sidewalk space is fourteen and one-half feet, eight feet; where the sidewalk space is fifteen feet, eight feet; provided, that in front of driveways and walks, sidewalks may, for the width of the drive-

way or walk, be extended to the curb line; and provided further, that no "grass space" shall be left uncovered by the sidewalk unless the same shall be graded to the sidewalk grade; if not so graded, the sidewalk shall extend continuously to the division line.

Sec. 2. Ordinance No. 9 (being originally No. 327, approved April 9, 1891), entitled "Relating to streets; defining certain terms as officially used; fixing the location of the curb line and thereby the width of the roadway and sidewalk space, and fixing the width of the sidewalk and tree space," is hereby amended by adding a new section thereto, to be numbered 3½, in the words following:

Section 3½. All sidewalks hereafter constructed upon streets which have been accepted or conditionally accepted by the City Council shall be of the following material, viz.: Either concrete, asphalt, bituminous rock, stone or brick.

Upon all unaccepted streets, sidewalks shall be of the above-named materials, or of wood.

All sidewalks shall be constructed as provided in this Ordinance and in accordance with plans and specifications adopted by the City Council.

ORDINANCE No. 280.

(Approved January 9, 1901.)

An Ordinance Fixing the Location of the Curb Line on the South Side of Miner Avenue, From the West Line of the Roadway of San Joaquin Street to the East Line of the Roadway of Hunter Street, in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The curb line on the south side of Miner avenue, from the west line of the roadway of San Joaquin street to the east line of the roadway of Hunter street, in the City of Stockton, is hereby fixed and shall be distant from the division line between said Miner avenue and the lots abutting thereon twenty-two and one-half (22½) feet.

Sec 2. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 437.

(Approved February 12, 1907.) O. B. 7—133.

An Ordinance Fixing the Sidewalk Grades and the Curb and Gutter Grades of Certain Portions of Those Streets and Blocks Within the Corporate Limits of the City of Stockton Lying North of Survey No. 2999 and West of Edison Street.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That the elevation of the curb grades at each of the four curb corners of each of the intersections of Vine, Willow and North streets, respectively, with each of Baker, Stockton, Yosemite, San Jose, Argonaut, Orange and West streets, respectively, be fixed

at the following elevations in feet above the base of levels as fixed by Ordinance No. 3 (originally No. 310) of the Ordinances of the City of Stockton:

Vine with Baker street, 93.67.
Vine with Stockton street, 92.67.
Vine with Yosemite street, 93.17.
Vine with San Jose street, 92.67.
Vine with Argonaut street, 92.17.
Vine with Orange street, 92.67.
Vine with West street, 97.17.
Willow with Baker street, 94.17.
Willow with Stockton street, 93.67.
Willow with Yosemite street, 92.67.
Willow with San Jose street, 92.67.
Willow with Argonaut street, 91.67.
Willow with Orange street, 92.17.
Willow with West street, 97.17.
North with Baker street, 93.17.
North with Stockton street, 94.17.
North with Yosemite street, 93.17.
North with San Jose street, 92.17.
North with Argonaut street, 91.17.
North with Orange street, 91.67.
North with West street, 97.17.

That the elevation of the curb grade on Vine, Willow and North streets be further fixed as follows:

On Vine street at 100 feet east of West street, 93.00; on Willow street at 100 feet east of West street, 92.50; and at North street at 130 feet east of West street, 92.06. All above said base of datum base of levels.

Sec. 2. That in all cases the gutter grades are fixed at seven inches below the curb grades hereinbefore fixed.

Sec. 3. The surface grade of the sidewalks shall slope downward from the division line between the streets and abutting blocks, squares or lots towards and to the curb line at the rate of one-quarter inch to one foot.

Sec. 4. The curb, sidewalk and gutter grades, respectively, for all points between those hereinbefore fixed shall be in a straight line joining such adjacent curb, sidewalk and gutter grades as hereinbefore fixed for adjacent points and corners.

Sec. 5. This Ordinance shall take effect on and after its final passage and approval.

ORDINANCE No. 428.

(Approved November 12, 1906.) O. B. 7—117.

An Ordinance Fixing the Sidewalk Grade and the Curb and Gutter Grades of Certain Portions of Rose, Magnolia, Acacia, Poplar, West, Argonaut and Orange Streets in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. First—That the elevation of the curb grades at the four curb corners of each of the intersections of West street with

each of Rose, Magnolia, Acacia and Poplar streets, respectively, be fixed at 97.17 feet above the base of levels as fixed by Ordinance No. 7 (originally 310) of the Ordinances of said City of Stockton.

Second—That the elevation of the curb grades at each of the four curb corners of each of the following intersections of Orange street be fixed as follows: At Orange street with Rose street, 93.17 feet; at Orange street with Magnolia street, 92.67 feet; at Orange street with Acacia street, 93.67 feet, and at Orange street with Poplar street, 94.67 feet above said base of levels.

Third—That the elevation of the curb grades at each of the four curb corners at each of the following intersections of Argonaut street be fixed as follows: At Argonaut street with Rose street, 92.67 feet; at Argonaut street with Magnolia street, 93.67 feet; at Argonaut street with Acacia street, 94.17 feet, and at Argonaut street with Poplar street, 95.17 feet above said base of levels.

Fourth—That the elevation of the curb grade be fixed as follows: On Rose street, at a point 100 feet east of West street, 92.84 feet; on Magnolia street, at a point 125 feet east of West street, 92.38 feet; on Acacia street, at a point 100 feet east of West street, at 93.34 feet, and on Poplar street, at a point 75 feet east of West street, at 94.30 feet above said base of levels.

Sec. 2. In all cases the gutter grades are fixed at seven inches below the curb grades hereinbefore fixed.

Sec. 3. The surface grade of the sidewalk shall slope downward from the division line between the streets and the abutting blocks, squares or lots towards and to the curb line at the rate of one-quarter inch to one foot.

Sec. 4. The curb, sidewalk and gutter grades for all points between those hereinbefore fixed shall be in a straight line joining the grades of the curbs, sidewalks and gutters, respectively, as hereinbefore fixed for adjacent points and corners.

Sec. 5. This Ordinance shall be in full force and effect on and after its passage and approval.

ORDINANCE No. 10.

(Being originally No. 111, approved April 20, 1881.)

Adopting and Approving Map of Stockton Channel and Mormon Slough, and Fixing Line for Wharves and Bulkheads Thereon.

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. A map of Stockton Channel and Mormon Slough, embracing all that portion of said Stockton Channel lying within the corporate limits of said City of Stockton west of El Dorado street, and all that portion of said Mormon Slough lying within said corporate limits west of Center street, and showing the continuation of said slough and channel from the western limits of said city to the point of their intersection, and marked "Map of Stockton Channel and Mormon Slough, as surveyed under the direction of Lieutenant-Colonel G. H. Mendell, surveyed November, 1880," and filed by the City Clerk of the City of Stockton this 20th day of April, A. D. 1881, together with all the notes and explanations therein and thereon, is hereby adopted and approved and declared to be the official map of

all those portions of said slough and channel lying within said corporate limits, and the lines of wharves and bulkheads, as shown and indicated on and in said map shall be, and the same are hereby fixed as and declared to be the official line of and for any and all wharves and bulkheads hereafter to be erected within said city upon the line or banks of either of said portions of said slough or channel.

ORDINANCE No. 11.

(Being originally No. 278, approved June 12, 1889.)

Ordinance Closing to Public Use Poplar Street Between Aurora and Sacramento Streets, and Aurora Street Between Flora and Poplar Streets.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Poplar street, between Aurora and Sacramento streets, and Aurora street, between Flora and Poplar streets, is hereby declared closed to public use, and the Board of Directors of the State Insane Asylum at Stockton are authorized to use the above mentioned portions of said streets in connection with the grounds under their charge; provided, however, that the said Asylum Directors agree, by filing an acceptance of this Ordinance in writing within twenty days from the passage of same, to pay their pro rata for the improving of Aurora street from Park to Flora street, and Flora street from Aurora to Sacramento street.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage.

ORDINANCE No. 47.

(Being originally No. 113, approved July 5, 1881.)

Accepting the North Three (3) Feet of Block 15, East.

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. That the conveyance from H. O. Southworth, T. G. Humphrey, E. D. Eldridge, I. D. Hamilton, John Quinn, and Catherine Quinn, his wife, and Wm. B. Austin to the City of Stockton, of the northerly three (3) feet of the north one hundred (100) feet of block number fifteen (15) east of Center street, in the City of Stockton, County of San Joaquin, State of California, by a deed dated the seventeenth (17th) day of May, A. D. 1881, to be added to the established width of the sidewalk on the south side of Main street, between California and American streets, and in front of said block number fifteen, and to be devoted to and used for sidewalk purposes be, and the said conveyance is hereby accepted upon the terms, conditions, restrictions and limitations in said deed contained.

Sec. 2. That the said northerly three (3) feet of the north one hundred feet of said block number fifteen, east of Center street, be and the same are hereby dedicated and set apart as a portion of the sidewalk, and for sidewalk purposes, and that the same be and are hereby declared to be a portion of the public sidewalk in front of said block number fifteen, and said three (3) feet are hereby added to the width of the sidewalk as now or hereafter to be established in front of said block number fifteen, as aforesaid.

ORDINANCE No. 72.

(Passed over veto, October 26, 1891.)

Authorizing the Erection, Construction and Maintenance in Certain Cases of Chutes, Bridges and Ways, With Supports Therefor, Over and Across the Streets, Alleys and Ways of the City of Stockton, by Any Person or Persons, Corporation or Corporations, for the Transmission of Goods. Wares, Merchandise, Grains, Farm and Other Products, and Providing for the Consent Therefor, and Approval Thereof, by the City Council of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be and it is hereby declared to be lawful for any person or persons, corporation or corporations, doing business in the City of Stockton, and owning, occupying and actually using two or more buildings in conducting and carrying on the business of such person or persons, corporation or corporations, which are situate, lying and being on opposite sides of any street, avenue, alley or way in said City of Stockton, to build, erect, construct and maintain between such buildings so owned, occupied and actually used as aforesaid over and across such street, avenue, alley or way, a chute, bridge or way for the transmission of goods, wares, merchandise, grains, farm and other products to and from such buildings as aforesaid, which said chute, bridge or way shall not be less than eighteen feet vertically above such street, avenue, alley or way and the sidewalk thereof, and shall not be more than twenty feet in width.

Sec. 2. It shall be and it is hereby declared to be lawful for any such person or persons, corporation or corporations, to construct, erect and maintain for the support of any such chute, bridge or way, two posts or pillars at the outer curb of the sidewalk on both sides of any such street, avenue, alley or way, which said posts or pillars shall be not more than twelve inches square and not less than ten or more than twenty feet apart.

Sec. 3. A copy of the plans and specifications for any such chute, bridge or way, and the supports therefor, provided in Section 2 hereof, shall, before the erection and construction thereof, be filed in the office of the Board of Public Works of the City of Stockton.

Sec. 4. Every chute, bridge or way, and supports therefor as provided for herein, shall be built in a good and substantial manner and in accordance with said plans and specifications under the supervision of the Superintendent of Streets of the City of Stockton, and the said Superintendent of Streets at all times during the erection and construction of any such chute, bridge or way, and of the posts or pillars for the support thereof, shall be entitled to inspect the same and compel the erection and construction thereof in accordance with the said plans and specifications.

Sec. 5. The repeal of this Ordiance shall in no way affect or abridge the right of any such person or persons, corporation or corporations, to maintain after such repeal any chute, bridge or way, and the supports therefor, constructed and erected under the provisions of this Ordinance.

Sec. 6. Any and all person or persons, corporation or corporations, who shall at any time under the provisions of this Ordinance construct, erect, maintain or use any such chute, bridge or way and the supports therefor shall at all times hold said City of Stockton free and harmless from any, every and all liability of every character,

nature and description that may or shall arise from the construction, erection, maintenance or use of any such chute, bridge or way, or the supports thereof.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 101.

(Approved June 14, 1893.)

Regulating the Moving of Houses and Other Buildings Upon, In, Along or Through any Public Way or Street of the City of Stockton, and Declaring Any Acts in Violation of This Ordinance to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person, persons or corporation shall move or cause to be moved any house, dwelling, barn, building or other like structure upon, in, along or through any public way or street of the City of Stockton without first having obtained a permit in writing from the Superintendent of Streets of said city, to be approved by the Mayor; and upon, and at the time of the granting of such permit, the person, persons or corporation receiving such permit shall immediately deposit with the said Superintendent of Streets a sum of money to be fixed and determined by said Superintendent which shall not be less than $100 and not more than $500. Such deposit to be made for the purpose of covering or defraying the costs and expenses of fixing, repairing, replacing and adjusting, in and to their former order and condition, all streets, public ways, sewers, manholes, crosswalks, bridges, culverts and wires which may have been damaged, injured, taken down or cut by such moving.

Sec. 2. Any person, persons or corporation, after having obtained a permit for the moving upon, in, along or through any of said public ways or streets, any house, dwelling, barn, building or like structure, and after having made the required deposit with the said Superintendent of Streets, as hereinbefore provided, shall, at least twenty-four hours previous to the commencement of such moving, give notice thereof in writing to the respective local agents or superintendents of the various electrical railroads, telephone and telegraph companies doing or carrying on their respective business in said city, and to the Chief Engineer of the Stockton Fire Department, which said notice shall state the time when and the route along which the same is to be moved.

And it is hereby expressly provided that the wires of the electrical railroad companies shall only be cut, taken down or interfered with, for the purpose of such moving, between the hours of 12 o'clock p. m. and 5 o'clock a. m., and at, or during, no other time or times.

Sec. 3. Any person, persons or corporation having such moving done, shall—as soon as such house, dwelling, barn, building or other like structure shall or may have passed or crossed any of said public ways, streets, crosswalks, bridges, culverts, sewers and manholes or either, and any of the streets or public ways over or along which any of the wires belonging to this city, the various electrical railroad, telephone or telegraph companies are stretched, suspended, strung or maintained—fix, repair, replace and adjust in and to their former state and condition any and all such wires which may have been cut, taken down, damaged or injured by such moving, and fix, repair and

replace in and to their former state and condition, all such public ways, streets, crosswalks, bridges, culverts, sewers and manholes which may have been injured or damaged by such moving And if such person, persons or corporation, shall fail to fix, repair, replace and adjust, or either, any and all such wires, public ways, streets, crosswalks, bridges, culverts, sewers and manholes, in and to their former state and condition immediately after such house, dwelling, barn, building or other like structure shall have passed or crossed such wires, public ways, streets, crosswalks, bridges, culverts, sewers and manholes or either, the said Superintendent of Streets shall at once have such wires, public ways, streets, crosswalks, bridges, culverts, sewers and manholes, in and to replaced and adjusted to their former state and condition, at the cost and expense of the person, persons or corporation having such moving done; and the said Superintendent of Streets shall pay such costs and expenses from and out of the deposit made or left with him as aforesaid, and return the surplus of such deposit, if any there be, to the party or parties entitled thereto. Should such person, persons or corporation, immediately after the building, house, barn or like structure shall have passed or crossed such public ways, streets, crosswalks, bridges, culverts, sewers, manholes and wires, or either, fix, repair, replace and adjust to their former state and condition, and to the satisfaction of said Superintendent of Streets, the public ways, streets, crosswalks, bridges, culverts, sewers, manholes and wires which were injured, damaged, destroyed, cut or taken down by such moving at his, her or their cost and expense, he, she or they shall be entitled to a return of said deposit made or left with said Superintendent of Streets.

Sec. 4. Any and all acts done or caused to be done by any person, persons or corporation, contrary to or in violation of the provisions of this Ordinance, or any part of same, shall be a misdemeanor.

ORDINANCE No. 143.

(Approved February 18, 1895.)

An Ordinance Changing the Names of Beaver, Elk, Bear, Otter, Raccoon and Tule Streets and of Mormon Avenue.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The name of Beaver street is hereby changed to Madison street; the name of Elk street is hereby changed to Monroe street; the name of Bear street is hereby changed to Van Buren street; the name of Otter street is hereby changed to Lincoln street; the name of Raccoon street is hereby changed to Harrison street; the name of Tule street is hereby changed to Edison street, and the name of Mormon avenue is hereby changed to Hazelton avenue.

Sec. 2. This Ordinance shall have and take effect from and after its passage and approval.

ORDINANCE No. 144.

(Approved February 18, 1895.)

An Ordinance Providing for the Numbering of Entrances From the Public Streets, and Repealing Ordinance No. 25.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. All entrances to buildings and inclosures from the public streets of the City of Stockton must be numbered as herein-

after provided, and the duty of so numbering the same is hereby imposed upon the owner, and also upon the occupant of the building or inclosure to which any such entrance belongs or pertains The appropriate number, in figures not less than two inches long, must be placed immediately above the doorway, gateway or other said entrance.

Sec. 2. One hundred numbers are hereby allotted to each block (including the two sides of a street), a number to each and every twelve and one-half feet frontage, the even numbers on the south and east sides of the streets and the odd numbers on the north and west sides of the streets.

Sec. 3. On streets running north and south the numbers shall begin with 1 and 2 (on the respective sides of the numbered street) at Main street, the numbers running consecutively upward (save as affected by the aforesaid provision allotting one hundred numbers to each block) both northwardly and southwardly from said Main street to the city limits; and any number north of Main street shall be designated and known as No. —, North ———— street, and any number south of Main street shall be designated and known as No. —, South ———— street. On streets running east and west the numbers shall begin with 1 and 2 (on the respective sides of the numbered street) at Center street (the numbers running consecutively upward, save as affected by the aforesaid provision allotting one hundred numbers to each block), both eastwardly and westwardly to the city limits; any number east of Center street shall be designated and known as No. —, East ———— street, and any number west of Center shall be designated and known as No. —, West ———— street. Avenues are intended to be included in word "streets," as used hereinbefore.

Sec. 4. Ordinance No. 25 (being originally No. 84, approved January 27, 1879), entitled "Providing for the numbering of houses," inclusive of all amendments thereof, is hereby repealed.

Sec. 5. This Ordinance shall have and take effect sixty days from and after its passage and approval.

ORDINANCE No. 311.

(Approved January 7, 1902.) O. B. 6—166.

An Ordinance to Close Up That Part of Sutter Street Lying Between the Northerly Line of Vine Street and the Southerly Line of North Street, and That Part of Willow Street Lying Between the Easterly Line of San Joaquin Street and the Westerly Line of California Street, Within the Limits of the City of Stockton.

Whereas, The Board of Education of the City of Stockton, sitting as a High School Board for the Stockton High School District, has selected as and for the site of the said High School all that certain tract or parcel of land within the boundaries of said city, containing for the said tract or parcel block No. 155, block No. 156, block No. 151 and block No. 150 (less lots 2 and 4 of the last named block), and also so much and such part of Sutter street as lies between the northerly line of Vine street and the southerly line of North street, and so much and such part of Willow street as lies between the easterly line of San Joaquin street and the westerly line of California street—all being east of Center street of said city—as said blocks and said intervening parts of streets are delineated on the official plan and map of the city; and,

Whereas, The said selection is made conditional upon the closing up of the said several parts of streets by the City Council of said city; and,

Whereas, In and by the resoltuion of the intention of this Council to close the said streets between the above indicated lines, it was ordered that the lines of said parts be surveyed and marked out by the City Surveyor so that the same may be readily traced and the plat thereof be made, returned and filed with the City Clerk, and it was further ordered that the City Superintendent of Streets should post along the lines so fixed and marked by the Surveyor notices of the passage of the said resolution, and publish such notices, also, for a period of ten days in the Mail, a daily newspaper published in the City of Stockton, and to make and file with the City Clerk a report of his acts and proceedings under the said order; and,

Whereas, It satisfactorily appears to the Council by and from the reports and the accompanying exhibits and proofs of the said officers on file as aforesaid, that, in respect to the said survey and plat thereof, and the posting and publication of notice, and all things else specified in said order, they, the said officers, have fully complied therewith; and,

Whereas, The owner of all the land fronting on the said parts of the said streets has petitioned the Council for the closure thereof, and no objections thereto have been delivered or filed with the City Clerk by any other person or persons whatever, although more than ten (10) days have elapsed since the expiration of the time prescribed for the publication of such notice; and,

Whereas, In the judgment of the Council, the public interest and convenience require that the proposed closure be ordered; now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. That the certain hereinafter described parts of Sutter street and Willow street, in the City of Stockton, in the County of San Joaquin and State of California, as the same appear upon the official map of the said city, and the lines whereof have been surveyed and marked on the ground by the City Surveyor, as aforesaid—that is to say, that part of Sutter street lying between the northerly line of Vine street and the southerly line of North street, and that part of Willow street lying between the easterly line of San Joaquin street and the westerly line of California street—be and the same are, and each of them is, hereby closed up, and henceforth said above described parts shall not be deemed to be, and are not, parts of said Sutter and Willow streets, respectively, and shall not be, and are not, open to public use, any act of dedication hitherto of the land to such use by the proprietor thereof, or by the authorities of the City of Stockton, to the contrary notwithstanding.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 410.

(Approved March 30, 1906.) O. B. 7—70.

An Ordinance Regulating the Making of Excavations in Public Streets and Places, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person, firm or corporation to make any excavation in any public

street, alley or other public place, in the City of Stockton, without first making a deposit for damages, and indemnity for damages as hereinafter provided.

Sec. 2. The person, firm or corporation intending to make any such excavation shall file with the Superintendent of Streets a written notice of such intention, describing specifically the location and area of the excavation or excavations intended to be made, and shall deposit with said Superintendent of Streets a sum equal to fifty (50) cents per square foot of surface of said excavation or excavations to be made in the streets, alleys or other public places which are paved with asphaltum or bituminous rock, or other paving substance, a sum equal to thirty (30) cents per square foot of surface of said excavation or excavations to be made in streets or places which are macadamized, a sum equal to twenty (20) cents per square foot of surface of such excavation or excavations to be made in graveled streets or places, and a sum equal to ten (10) cents for each square foot of surface of such excavation or excavations to be made in any streets or places which are neither macadamized, paved or graveled; provided, that no deposit shall be less than one ($1.00) dollar; and provided, further, that any person, firm or corporation intending to make excavations in the public streets, alleys or places may make and maintain a general deposit with the said Superintendent of Streets in the sum of three hundred ($300.00) dollars, for any damages, and as indemnity for any damages which may be caused by the making of such excavations, and while such general deposit is maintained at the sum of $300.00, such person, firm or corporation shall not be required to make the special deposit hereinbefore provided for, but shall be required to file a written notice of intention concerning each excavation as above described, before beginning the same.

Sec. 3. The Superintendent of Streets, on receiving the written notice and the general or special deposit required by Section 1 hereof, shall issue a receipt for such deposit and shall open and keep an account thereof. Said receipt shall specify the person, firm or corporation to whom it is issued, and the date when issued, and in case of a special deposit, the street, alley or public place, and the particular portion or portions thereof to be excavated, and the extent of such excavation. In case a general deposit is made and maintained, as aforesaid, said Superintendent of Streets shall on receipt of notice of an excavation from the person, firm or corporation from whom such general deposit has been received, issue to such person, firm or corporation a written certificate setting forth that such general deposit has been made with the Superintendent of Streets, and specifying the matters required to be contained in a receipt for a special deposit, and no such receipt or certificate shall be transferable.

Sec. 4. All refilling of such excavations shall be made in the following manner, to-wit:

The earth or other original filling material shall be replaced, carefully tamped in layers not exceeding six inches in thickness, and each such layer shall be dampened with water before the next such layer is put on, and the last layer shall be well flooded and tamped, although the same may be less than six inches in thickness. In all cases where a pipe not exceeding four inches in diameter is placed in such excavation, all material excavated therefrom shall be replaced therein. Where the street or place where such excavation is made is graveled or macadamized, the gravel or macadam removed

therefrom shall be kept separate from all other material or earth excavated, and shall be replaced and tamped on the top of such other earth or street material. When the refilling of any of the excavations in a macadamized, graveled or unimproved alley, place or street is completed the same shall be well wet and rolled with a roller weighing not less than six tons, and the surface of such refilling, after the same is rolled, shall be made flush with the surrounding surface of such macadamized, graveled or unimproved street or place. Whenever, in the judgment of the Superintendent of Streets, the rolling herein provided for is not necessary or expedient on a particular piece of work, the said rolling need not be done, but permission to except said rolling must be had in writing from the Superintendent of Streets.

Sec. 5. Where the street or other public place in which said excavation is made is paved with asphaltum or bituminous rock, the person, firm or corporation making the excavation shall refill the same as hereinbefore provided, up to the under side of the pavement, and when said refilling is in proper condition shall proceed to replace and repair the pavement torn up or damaged by such excavation in accordance with the specifications adopted and used for the laying of such asphaltum or bituminous rock pavement so torn up.

Sec. 6. It shall be the duty of every person, firm or corporation by whom or under whose immediate direction or authority, either as principal, contractor or employer, any portion of any public street, alley or other public place may be made dangerous by any excavation on such street, alley or other public place, to erect, and so long as the danger may continue, be maintained around the portion of such street, alley or other public place, so made dangerous by such excavation, a good and substantial barrier, and to place and maintain lights at each end of said barrier, and at a distance of not more than fifty feet along the line thereof, from sunset of each day to sunrise of the next day until such excavation is entirely refilled.

Sec. 7. After such excavation is commenced the work of making and refilling the same shall be prosecuted with due diligence, and so as not to obstruct the street, alley or other public place or the travel thereon more than is actually necessary therefor. If the work is not so prosecuted, or if the work of refilling does not, in the judgment of the Superintendent of Streets, comply with the terms of this Ordinance, the Superintendent of Streets shall notify the person, firm or corporation named in the receipt or certificate that the work is not being prosecuted with due diligence, or that the refilling of such excavation has not been properly done, and require such person, firm or corporation, within five days after the service of such notice, to proceed with the diligent prosecution of said work so as to properly complete the same without further delay. Such notice shall be written or printed and shall be personally served or served by leaving it at the residence or place of business of such person, firm or corporation, or if such person, firm or corporation cannot be found, and such place of business or place of residence is unknown or is outside of the city, said notice may be served by depositing it in the United States Postoffice, postage prepaid, addressed to the person, firm or corporation at such place of business or residence, if known, or if unknown, at the City of Stockton. If such notice is not complied with, the Superintendent of Streets shall do such work as is necessary to refill such excavation

and to restore the street, alley or other public place, or any part thereof excavated, to as good a condition as the same was in before such excavation was made.

Sec. 8. The person, firm or corporation by whom any excavation in paved, macadamized or graveled public streets, alleys or other public places shall be made, shall be deemed and held to warrant the work of refilling and the repair thereof for the period of one year after the refilling of such excavation against all defects in workmanship or materials. Whenever within said period of one year any part of the pavement or surface of the public street or place so warranted becomes in need of repairs, by reason of any defect in workmanship done or materials furnished in said work of refilling or repair the Superintendent of Streets shall serve on the person, firm or corporation by whom the excavation was made a written notice stating what repairs are necessary and requiring such repairs to be made within five days after the service of such notice. Said notice shall be served in the manner provided in Section 7 of this Ordinance, and if the same is not complied with the Superintendent of Streets shall proceed at once to make such repairs.

Sec. 9. The Superintendent of Streets shall deduct from the deposit made for any excavation made under the provisions of this Ordinance the cost of any work done or repairs made by him under the provisions of Sections 7 and 8 of this Ordinance, from any and all deposits then in his hands, or that may thereafter come into his hands, belonging to the person, firm or corporation required by this Ordinance to do such work or make such repairs. Immediately upon the completion of the work of refilling and resurfacing the excavation or excavations for which a special deposit has been made as aforesaid, the Superintendent of Streets shall return and refund to the person, firm or corporation making such special deposit, as in Section 2 hereof provided, the balance of such deposit after making all of the deductions herein authorized, and he shall in like manner, after the completion of the work of refilling and resurfacing all excavations for which a general deposit has been made, return and refund such general deposit, after making the deductions herein authorized, unless such depositor, within five days after written notice of such deductions given in the manner provided in Section 7 of this Ordinance, deposits with the Superintendent of Streets, an amount sufficient to keep said deposit as a general deposit of three hundred ($300.00) dollars. The decision of the Superintendent of Streets as to the cost of any work done or repairs made by him under the provisions of Sections 7 and 8 hereof, shall be final and conclusive as to such cost. Said Superintendent of Streets shall forthwith pay to the City Treasurer all sums deducted by him from all deposits, and said City Treasurer shall deposit all said sums to the credit of the "Street Contingent Fund."

Sec. 10. All excavations, refilling of excavations, and repairing of pavements made or done under the provisions of this Ordinance shall be made or done under the supervision and direction of the Superintendent of Streets, whose duty it shall be to supervise and direct the making and refilling of all such excavations, and the repair of all such pavements, and to approve the same upon completion thereof.

Sec. 11. It shall be unlawful and a misdemeanor for any person, firm or corporation to lay any gas or water surface pipe or main pipe, or private sewer, or any drain or other conduit in any street or other

public place in the City of Stockton, at a distance of less than two feet below the established grade of gutter of such street or alley, or less than two feet below the surface of such other public place.

Sec. 12. Any person, firm or corporation engaged in the making or refilling of any excavation in any public street, alley or public place, must, at all times while such work is in progress, keep at the place where such excavation is being made, the original receipt, or a copy thereof, for any such deposit made for such excavation, or in case of a general deposit, the original certificate of the Superintendent of Streets, or a copy thereof certified to as correct by the Superintendent of Streets, showing that such excavation is covered by such general deposit, and must, on demand, exhibit the same to the Superintendent of Streets or to any police officer.

Sec. 13. Any person, firm or corporation who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 14. All Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 15. This Ordinance shall take effect and be in force from and after its final passage and approval.

ORDINANCE No. 401.

(Approved August 25, 1905.) O. B. 7—53.

An Ordinance Regulating the Transporting On, Along or Over the Streets or Sidewalks in Vehicles, of Dirt, Sand, Loam or Other Soil, Gravel, Rock, Stone, Brick, Hay, Straw, Wood, Street Cleanings, Filth or Rubbish, or Other Materials.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person shall transport or cause to be transported on, along or over any street or sidewalk in the City of Stockton, any dirt, sand, loam or other soil, gravel, rock, stone, brick, hay, straw, wood, street cleanings, filth or rubbish or other materials, in any vehicle which is not so constructed and maintained in such good condition as to prevent its contents from leaking, dropping or spilling.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section 74 of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 442.

(Approved May 7, 1907.) O. B. 7—145.

An Ordinance Authorizing the Construction and Purchase by the City of Stockton of a Garbage and Refuse Incinerator for the Use of Said City, and Appropriating Money Therefor, and Directing the Mayor to Enter Into a Contract on Behalf of the City for That Purpose.

Whereas, The City Council of this city, in accordance with the Charter and Ordinances of the city, has caused to be published a notice inviting proposals for a garbage disposal plant for the City of Stockton; and,

Whereas, In pursuance of said notice several bids or proposals have been presented to the City Council for the construction of said garbage disposal plant; and,

Whereas, The City Council of the City of Stockton did on the 16th day of April, 1907, in open session, by resolution duly passed, accept the proposal or bid of the Decarie Manufacturing Company, a corporation, for the construction of one (1) Decarie Patent Garbage and Refuse Incinerator, and awarded the contract for the same to said company, upon the terms mentioned and set forth in their certain bid indorsed "Bid of Decarie Manufacturing Co. for Garbage Disposal Plant No. 4;" and,

Whereas, The City Council of this city deems the construction and erection of said plant to be a matter of public interest and necessity to the city:

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The matter of the construction of a garbage disposal plant for the City of Stockton is hereby declared to be a matter of public interest and public necessity to this city.

Sec. 2. The Mayor of the City of Stockton, in the name of and on behalf of the City of Stockton, is hereby authorized, empowered and directed to make, execute and deliver to the Decarie Manufacturing Company, a corporation, a written contract for the erection and construction of one (1) Decarie Patent Garbage and Refuse Incinerator, in accordance with the written proposal or bid of said company therefor, on file in the office of the City Clerk of this city and indorsed "Bid of Decarie Manufacturing Co. for Garbage Disposal Plant No. 4," and upon the terms mentioned in the said bid.

Sec. 3. The sum of five thousand dollars ($5,000) being the first annual payment, as rental for said plant, is hereby appropriated out of the General Fund of said city, to pay for the cost of said work, and the annual payments of rental for said plant, amounting in the aggregate to twenty thousand dollars ($20,000), are hereby authorized to be made upon compliance with the terms of said contract by said company.

Sec. 4. This Ordinance shall be in full force and effect from and after its final passage and approval.

ORDINANCE No. 400.

(Approved July 31, 1905.) O. B. 7—52.

Dividing the City Into Four Wards and Defining the Boundaries Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton is hereby divided into four wards, the respective boundaries of which are as follows, to-wit:

First Ward—All the territory within the limits of said city south of the center of Main street and west of the center of Sutter street.

Second Ward—All the territory within the limits of said city north of the center of Main street and west of the center of Sutter street.

Third Ward—All the territory within the limits of said city south of the center of Main street and east of the center of Sutter street.

Fourth Ward—All the territory within the limits of said city north of the center of Main street and east of the center of Sutter street.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage and approval.

OFFICIAL MAP OF THE CITY.

Resolved, That the lithographed map of the City of Stockton and vicinity prepared by H. T. Compton, City Surveyor, and dated July, 1894, be and the same is hereby approved and declared to be the official map of the City of Stockton, so far as the same relates to territory within the present city limits. The City Clerk is hereby directed and authorized to mark the copy of said maps herewith presented, for the purpose of identification, by entering thereon his official certificate that the same was, as aforesaid, approved and adopted by this Council.

Adopted by City Council, July 23, 1894.

ACCEPTANCE OF DEDICATIONS.

Resolved, That the City of Stockton hereby accepts all dedications and offers to dedicate to public uses of all and singular such streets, highways and other public places as are shown, delineated or indicated upon the present official map of said city, which map was made by H. T. Compton, City Surveyor, and adopted by the City Council on the 23d day of July, 1894; provided, that the enumeration of dedications and offers to dedicate hereinbefore accepted shall not be construed as either an acceptance or a refusal to accept other dedications or offers to dedicate not so enumerated.

Adopted by the City Council, September 24, 1894.

STREETS UNDER SECTION 20 OF THE GENERAL STREET LAW.

ACCEPTED.

	Ord. No.
Acacia, from Hunter to California	184
American, from Weber avenue to Channel	398
California street, from Market to Lafayette	94
Center, from Oak to North	193
Channel, from El Dorado to American	111
Channel, from American to Stanislaus	204
Church, from Aurora to Grant	398
Church, from Pilgrim to Union	398
Commerce, from Fremont to Oak	398
El Dorado, from Magnolia to North	184
El Dorado, from Taylor to Worth	398
Grant, from Washington to Sonora	184

	Ord. No.
Grant, from Main to Weber avenue	398
Grant, from Market to Main	204
Hunter, from Market to Washington	103
Hunter, from Vine to Miner Channel	180
Jackson, from San Joaquin to Sutter	398
Jackson from Sutter to California	398
Lafayette, from Sierra Nevada to East	398
Lafayette, from Stanislaus to Grant	398
Lafayette, from California to Stanislaus	398
Lafayette, from Grant to Aurora	398
Lincoln, from Oak to Poplar	398
Lincoln, from Poplar to Acacia	398
Lindsay, from Pilgrim to Union	398
Lindsay, from California to American	184
Madison, from Poplar to Acacia	398
Madison, from Fremont to Oak	398
Madison, from Flora to Poplar	398
Madison, from Acacia to Magnolia	398
Madison, from Market to Washington	184
Madison, from Market to Main	184
Main, from Sutter to San Joaquin	266
Main, from Hunter to El Dorado	266
Market, from Sacramento to Hunter	99
Monroe, from Fremont to Oak	398
Monroe, from Oak to Park	398
Monroe, from Park to Flora	398
Monroe, from Poplar to Acacia	398
Oak, from Van Buren to Lincoln	398
Oak, from Pilgrim to Union	398
Park, from Harrison to Baker	398
Park, from Hunter to Madison	398
Park, from California to Aurora	180
Park, from Madison to Harrison	204
Pilgrim, from Lindsay to Park	398
Pilgrim, from Sonora to Church	398
San Joaquin, from Channel to Weber avenue	204
San Joaquin, from Channel to Miner Channel	204
San Joaquin, from Taylor to South	398
San Joaquin, from Rose to North	398
Sierra Nevada, from Lafayette to Washington	398
Sierra Nevada, from Market to Main	398
Sierra Nevada, from Washington to Market	398
Sonora, from California to Aurora	184
Stanislaus, from Market to Weber avenue	184
Stanislaus, from Washington to Market	398
Sutter, from Channel to Weber avenue	127
Sutter, from Channel to Miner Channel	184
Sutter, from Rose to Vine	398
Van Buren, from Park to Flora	398
Van Buren, from Oak to Park	398
Van Buren, from Fremont to Oak	398
Van Buren, from Flora to Poplar	398
Vine, from San Joaquin to California	398
Washington, from Ophir to Pilgrim	398
Weber avenue, from California to American	184
Willow, from San Joaquin to Hunter	398
Worth, from Hunter to El Dorado	398

CONDITIONALLY ACCEPTED.

	Ord. No.
Acacia street, from Monroe to Edison	207
Acacia, from Monroe to Center	318
Acacia, from Center to El Dorado	318
Acacia, from El Dorado to Hunter	318
American, from Market to Main	118
American, from Main to Weber avenue	229
American, from Weber avenue to Channel	318
Aurora, from Taylor to South	184
Aurora, from Miner avenue to Miner Channel	318
Aurora, from Miner Channel to Park	318
Aurora, from Hazelton avenue to Mormon Channel	266
California, from Market to Channel	14
California, from Lafayette to Mormon Channel	124
California, from Channel to Park	132
California, from Park to North	208
Center, from Market to Mormon avenue	16
Center, from Main to Weber avenue	80
Center, from South to Mormon Channel	229
Center, from Main to Market	318
Channel, from Stanislaus to Grant	318
Channel, from Grant to Aurora	318
Channel, from Aurora to Sacramento	318
Channel, from Sacramento to East	214
Church, from Aurora to Grant	342
Commerce, from Main to Weber levee	12
Commerce, from Acacia to Willow	164
Commerce, from Willow to North	299
Commerce, from Park to Flora	318
Commerce, from Flora to Poplar	318
Commodore levee and Channel, from El Dorado to Center	318
El Dorado, from Magnolia to Weber avenue	135
El Dorado, from Washington to Market	318
El Dorado, from Market to Main	318
El Dorado, from Main to Weber avenue	318
Fremont, from Hunter to El Dorado	229
Fremont, from American to Stanislaus	318
Fremont, from Stanislaus to Grant	318
Fremont, from California to American	318
Grant, from Park to Oak	318
Grant, from Oak to Miner Channel	318
Grant, from Miner Channel to Lindsay	318
Grant, from Lindsay to Miner avenue	318
Grant, from Market to Washington	318
Hazelton avenue, from Aurora to Sacramento	342
Hunter, from Market to Weber avenue	119
Hunter, from Washington to Hazelton avenue	318
Hunter, from Weber avenue to Channel	318
Hunter, from Channel to Miner Channel	318
Hunter, from Vine to North	318
Lafayette, from Aurora to Sacramento	318
Lafayette, from Sacramento to Pilgrim	318
Lafayette, from Van Buren to Lincoln	184
Lincoln, from Butler to Mormon Channel	184
Lincoln, from Washington to the wharf	266
Lincoln, from Washington to Mormon Channel	318
Lindsay, from American to Grant	288

	Ord. No.
Lindsay, from Grant to Aurora	318
Madison, from Oak to Flora	299
Madison, from Washington to Sonora	299
Main, from Grant to Commerce	12
Main, from Commerce to Monroe	318
Main, from Grant to Sacramento	318
Magnolia, from California to El Dorado	288
Market, from Pilgrim to East	13
Market, from Hunter to Center	318
Monroe, from Lafayette to Main	318
Oak, from El Dorado to California	288
Oak, from California to American	318
Oak, from American to Aurora	318
Oak, from Aurora to Sacramento	318
Ophir, from Market to Lafayette	318
Park, from Hunter to California	318
Park, from Aurora to East	206
Park, from Harrison to Baker	342
Pilgrim, from Miner avenue to Fremont	342
Pilgrim, from Fremont to Park	342
Poplar, from California to Sutter	299
Poplar, from Madison to Harrison	266
Poplar, from Harrison to Edison	288
Poplar, from Edison to Baker	318
Rose, from California to Hunter	318
Rose, from Hunter to El Dorado	318
Rose, from El Dorado to Center	318
Rose, from Center to Commerce	318
Rose, from Commerce to Madison	318
San Joaquin, from Market to Mormon avenue	198
San Joaquin, from Market to Hazelton avenue	318
San Joaquin, from Market to Main	125
San Joaquin, from Main to Weber avenue	17
San Joaquin, from Miner avenue to Fremont	318
San Joaquin, from Oak to Fremont	288
San Joaquin, from Rose to Magnolia	318
San Joaquin, from Magnolia to Acacia	318
San Joaquin, from Acacia to 150 feet south	318
San Joaquin, from Flora to Park	318
San Joaquin, from Taylor to South	342
San Joaquin, from Rose to North	342
Stanislaus, from Miner avenue to the bridge across Miner Channel	318
Stanislaus, from the bridge across Miner Channel to Oak	318
Stanislaus, from Oak to Park	318
Sutter, from Main to Market	318
Sutter, from Main to Weber avenue	120
Sutter, from Channel to Weber avenue	127
Sutter, from Acacia to Magnolia	318
Sutter, from Magnolia to Rose	318
Vine, from Hunter to San Joaquin	318
Vine, from San Joaquin to California	342
Vine, from Hunter to Center	288
Vine, from Center to Commerce	318
Vine, from Commerce to Madison	318
Washington, from San Joaquin to Hunter	18
Washington, from Hunter to Center	318

	Ord. No.
Washington, from Center to Monroe	318
Washington, from Monroe to Harrison	318
Weber avenue, from California to Hunter	15
Weber avenue, from Monroe to Edison	208
Weber avenue and Weber levee, from Hunter to Madison	318
Weber avenue, from American to Aurora	318
Weber avenue, from American to Aurora	342
Weber levee, from Madison to Monroe	288
Willow, from Commerce to Center	288
Willow, from Hunter to El Dorado	318
Willow, from El Dorado to Center	318

Ordinance No. 467, Conditionally Accepting the Following-Named Streets, Was Passed by the City Council on April 27, 1908:

Acacia street, from the west line of Edison to the east line of Baker.
American, from north line of Hazelton ave. to south line of Church.
American, from north line of Church to south line of Sonora.
American, from north line of Sonora to south line of Lafayette.
American, from north line of Lafayette to south line of Washington.
American, from north line of South to south line of Clay.
American, from north line of Clay to south line of Jackson.
American, from north line of Jackson to south line of Jefferson.
American, from north line of Jefferson to south line of Anderson.
American, from north line of Anderson to south line of Worth.
American, from south line of Worth to south line of Taylor.
Anderson, from east line of Center to west line of Hunter.
Anderson, from east line of Hunter to west line of San Joaquin.
Anderson, from east line of San Joaquin to west line of California.
Anderson, from east line of California to west line of Aurora.
Baker, from north line of Park to south line of Poplar.
Baker, from north line of Poplar to north line of Magnolia.
California, from south line of Mormon Channel to north line of South.
Center, from north line of Steamboat levee to south line of Oak.
Church, from east line of Pilgrim to west line of East.
Church, from east line of Grant to west line of American.
Church, from east line of Center to west line of El Dorado.
Church, from east line of El Dorado to west line of Hunter.
Church, from west line of Lincoln to west line of Edison.
Clay, from east line of Center to west line of Hunter.
Clay, from east line of Hunter to west line of San Joaquin.
Clay, from east line of San Joaquin to west line of California.
Clay, from east line of California to west line of Aurora.
Edison, from north line of Park to south line of Poplar.
Edison, from north line of Poplar to north line of Magnolia.
El Dorado, from north line of South to south line of Clay.
El Dorado, from north line of Clay to south line of Jackson.
El Dorado, from north line of Jackson to south line of Jefferson.
El Dorado, from north line of Jefferson to south line of Anderson.
El Dorado, from north line of Anderson to south line of Worth.
Flora, from east line of Monroe to east line of Van Buren.
Flora, from west line of Van Buren to east line of Lincoln.
Flora, from west line of Harrison to east line of Edison.
Flora, from west line of Edison to east line of Baker.
Flora, from east line of Sacramento to west line of East.
Fremont, from east line of Sierra Nevada to west line of East.
Grant, from north line of Hazelton avenue to south line of Church.

Harrison, from north line of Acacia to south line of Rose.
Harrison, from Miner levee to center line of Fremont.
Harrison, from north line of Oak to south line of Park.
Harrison, from north line of Park to south line of Poplar.
Harrison, from north line of Poplar to south line of Acacia.
Hazelton avenue, from east line of Sacramento to west line of East.
Jackson, from east line of Center to west line of Hunter.
Jackson, from east line of Hunter to west line of San Joaquin.
Jackson, from east line of California to west line of Aurora.
Jefferson, from east line of Center to west line of Hunter.
Jefferson, from east line of Hunter to west line of San Joaquin.
Jefferson, from east line of San Joaquin to west line of California.
Jefferson, from east line of California to west line of Aurora.
Jefferson, from east line of Union to west line of Pilgrim.
Lincoln, from north line of Acacia to south line of Magnolia.
Lincoln, from south line of Magnolia to south line of Rose.
Lincoln, from center line of Fremont to south line of Oak.
Lindsay, from east line of Aurora to west line of Union.
Lindsay, from east line of Pilgrim to west line of East.
Magnolia, from west line of Van Buren to east line of Lincoln.
Magnolia, from west line of Lincoln to east line of Harrison.
Magnolia, from west line of Harrison to east line of Edison.
Magnolia, from east line of Madison to east line of Monroe.
Magnolia, from west line of Edison to east line of Baker.
Market, from west line of Monroe to east line of Lincoln.
Miner avenue, from east line of Pilgrim to west line of East.
Monroe, from north line of Flora to south line of Poplar.
Monroe, from north line of Mormon levee to south line of Lafayette.
Monroe, from north line of Rose to south line of Vine.
Monroe, from north line of Vine to south line of Willow.
Monroe, from north line of Acacia to south line of Rose.
Oak, from west line of Lincoln to center line of Edison.
Oak, from east line of Sacramento to west line of Union.
Oak, from east line of Union to west line of Pilgrim.
Oak, from east line of Pilgrim to west line of East.
Pilgrim, from north line of South to north line of Jefferson.
Pilgrim, from north line of Park to south line of Flora.
Pilgrim, from north line of Flora to south line of Poplar.
Pilgrim, from north line of Anderson to south line of Taylor.
Pilgrim, from north line of Taylor to south line of Scott's avenue.
Pilgrim, from north line of Scott's ave. to south line of Hazelton ave
Pilgrim, from north line of Hazelton avenue to south line of Church.
Poplar, from east line of Baker to east line of Stockton.
Rose, from west line of Madison to west line of Lincoln.
Scott's avenue, from east line of Sacramento to west line of East.
Sierra Nevada, from north line of Main to south line of Weber ave.
Sierra Nevada, from north line of Weber ave. to south line of Channel.
Sierra Nevada, from north line of Channel to south line of Miner ave.
Sierra Nevada, from north line of Miner ave. to south line of Lindsay.
Sierra Nevada, from north line of Lindsay to 200 feet north of north line of Lindsay.
Sierra Nevada, from center line of Fremont to south line of Oak.
Sierra Nevada, from north line of Oak to south line of Park.
Sierra Nevada, from north line of Park to south line of Flora.
Sierra Nevada, from north line of Scott's avenue to south line of Hazelton avenue.
Sierra Nevada, from north line of Hazelton avenue to south line of Church.

Sierra Nevada, from north line of Church to south line of Sonora.
Sierra Nevada, from north line of Sonora to south line of Lafayette.
Stanislaus, from north line of Hazelton avenue to south line of Church.
Stanislaus, from north line of Church to south line of Sonora.
Stanislaus, from north line of Sonora to south line of Lafayette.
Sonora, from east line of Union to west line of Pilgrim.
Sonora, from east line of Pilgrim to west line of East.
Sutter, from north line of South to south line of Clay.
Sutter, from north line of Clay to south line of Jackson.
Sutter, from north line of Jackson to south line of Jefferson.
Sutter, from north line of Jefferson to south line of Anderson.
Sutter, from north line of Anderson to south line of Worth.
Sutter, from north line of Worth to south line of Taylor.
Union, from south line of Main to north line of Market.
Union, from north line of Hazelton ave. to south line of Church.
Union, from north line of Church to south line of Lafayette.
Union, from north line of Channel to south line of Miner ave.
Union, from north line of Miner ave. to south line of Fremont.
Union, from north line of Fremont to south line of Park.
Union, from north line of Main to south line of Weber ave.
Union, from north line of Lafayette to south line of Washington.
Union, from north line of Washington to south line of Market.
Union, from north line of Park to south line of Flora.
Union, from north line of Flora to south line of Poplar.
Union, from north line of Weber avenue to south line of Channel.
Union, from north line of Scott's avenue to south line of Hazelton ave
Van Buren, from north line of Poplar to south line of Acacia.
Van Buren, from north line of Acacia to south line of Rose.
Van Buren, from north line of Rose to south line of Vine.
Van Buren, from north line of Vine to south line of Willow.
Vine, from east line of Madison to east line of Lincoln.
Washington, from east line of Sierra Nevada to west line of East.
Washington, from west line of Pilgrim to 200 feet west of west line of Union.
Worth, from east line of Center to west line of El Dorado.
Worth, from east line of Hunter to west line of San Joaquin.
Worth, from east line of San Joaquin to west line of California.
Worth, from east line of California to east line of Grant.

LICENSES AND REVENUE.

ORDINANCE No. 134.

(Approved November 26, 1893.)

An Ordinance Concerning Municipal Licenses; Regulating the Issue, Rates, and Revocation Thereof, Prohibiting the Issue Thereof in Certain Cases, and Repealing Certain Ordinances, viz.: Ordinances Nos. 19, 70 and 86.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The amount of the license rate fixed and charged by the provisions of this or any other Ordinance of the City of Stockton for conducting, maintaining, engaging in or carrying on any business, trade, calling, profession, game, entertainment or show for which a license is now or may be hereafter required shall be paid to the City Clerk and ex-Officio License Collector at his office, who shall under the seal of the corporation, issue a receipt therefor in substantially the following form:

Office of the License Collector.

City of Stockton, Cal., ----------, 18----

This is to certify that I have this day received from ---------- ---------- the sum of ---------- dollars, in payment of the rate of license on the business of ----------, to be conducted by said ---------- at No. ---------- street, in the City of Stockton for the term of ---------- month--, from---------- ----------, 18----, and no longer.

----------,
City Clerk and License Collector.

[Seal.] ----------,
President of the City Council.

[Valid only for the person herein named and for the place and term above specified.]

Said receipt shall be countersigned by the President of the City Council and registered in a book to be kept for that purpose, each class and denomination to be kept and numbered under a separate head.

Sec. 2. [Repealed by No. 161.]

Sec. 3. No officer of the City of Stockton shall issue, reissue, renew or extend the term of or receive any money in connection with any receipt for the rate of license provided for the conducting, carrying on or maintaining any business, calling or place mentioned in Subdivisions 14 and 15 of Section 6 of this Ordinance, except when directed so to do by the City Council as in Section 2 provided, but all other receipts for the license rate called for by the provisions of this or any other Ordinance of the City of Stockton may, on application and payment therefor, be issued as of course in conformity with Section 1 of this Ordinance.

Sec. 4. No receipt shall be issued for a term other than a term for which the rate of license is specified in Section 6 of this Ordinance or in some other Ordinance of the City of Stockton in force when the same may be issued.

Sec. 5. [Repealed by No. 161.]

Sec. 6. License is required and a rate of license is fixed and charged for conducting, maintaining, engaging in or carrying on any business, trade, calling, profession, game, entertainment or show in this section hereinafter mentioned, or specified, as follows:

1. For each pin alley the sum of $5.00 per quarter.

2. For each hackney coach, hack, carriage, cab, omnibus, wagonette, express wagon or other vehicle used in hauling, carrying or transporting passengers for hire or fee, the sum of $10.00 per annum.

3. For each express wagon used in hauling, carrying or transporting baggage or merchandise for hire or fee, the sum of $3.00 per annum.

4. For each other vehicle engaged in hauling, carrying or transporting goods, wares or merchandise for hire or fee; if drawn by one animal, the sum of $4.00 per annum, and if drawn by more than one animal, the sum of $7.50 per annum.

5 For each shooting gallery or range, the sum of $10.00 per quarter.

6. For each circus, acrobatic performance, caravan, menagerie or collection of animals, where the admission fee is $1.00 and not less than 50 cents, the sum of $100.00 for each exhibition; where the admission fee is 50 cents, but not less than 25 cents, $50.00 for each exhibition; where the admission fee is 25 cents or less, $25.00 for each exhibition.

7. For any show for pay of figures, jugglers, necromancers, magicians, wire or rope-dancers, sleight-of-hand performers or exhibition, or any other performance or show (other than those elsewhere provided for), including side-shows to circuses, caravans or menageries, the sum of $5.00 per day, $10.00 per week or $20.00 for one month.

8. For each skating rink, the sum of $25.00 per quarter.

9. Every pawnbroker and every conductor of a collateral bank shall pay the sum of $10.00 per month.

10. Every traveling or transient merchant and every traveling or transient peddler who sells at wholesale or retail (not upon any public street, highway or square) any medicine, goods, wares or merchandise, shall pay the sum of $50.00 per month.

11. Each peddler of fruits, nuts, confectionery, meats, fish, vegetables, game or poultry from vehicles, baskets or other receptacles, shall pay the sum of $3.00 per month.

12. Each bill poster shall pay the sum of $20.00 per annum.

13. Every auctioneer shall pay the sum of $10.00 per quarter; but payment of this license rate does not license any auctioneer to make any sales upon or in any public street, highway or square.

14. [Repealed by 161.]

15. [Repealed by 161.]

16. For each theater, concert hall, melodeon or other place of amusement where any theatrical or operatic performance is given, the sum of $50.00 for one year, $30.000 for six months, $20.00 for one month, and if for less than one month, $5.00 per day.

17. For each book or map agent, or person who from house to house canvasses, solicits or sells for future delivery any book, picture, map, goods, wares or merchandise, the sum of $15.00 per week.

18. For each set of hobby-horses or carriages run by steam or animal power, the sum of $10.00 per week or $20.00 per month; if run by hand, $1.50 per day, $5.00 per week or $10.00 per month.

19. For each amusement, game or test of skill, strength, physical endurance or capacity of any kind (not provided for elsewhere in this Ordinance) for participation in which a fee is charged or which is conducted for profit, the sum of $2.50 per day, $10.00 per week or $20.00 per month.

20. For each and every person doing business as a public weigher, or who for a fee or charge weighs any grain, hay, merchandise, article or thing for another person, the sum of $12.00 per annum.

Sec. 7. Every person to whom a license has been granted under the provisions of Subdivision 11 of Section 6 of this Ordinance shall have securely fastened or attached to the vehicle, basket or other receptacle, a metallic plate or tag which shall have plainly stamped thereon the month for which the same is issued; provided, that the City Clerk shall designate the style or pattern of said plate or tag and the place at which it shall be attached or fastened to said vehicle, basket or other receptacle. The tags or plates mentioned in this section shall be furnished by the City Clerk. All police officers of the City of Stockton are hereby authorized and required to remove from any vehicle, basket or other receptacle any tag or plate representing the payment of the license rate for any expired month and destroy the same. Every person, firm or corporation having paid the rate of license specified in Subdivisions 2, 3 and 4 of Section 6 of this Ordinance shall have plainly stated in figures on the vehicle for which said rate has been paid, a number corresponding with the number of the original receipt issued by the City Clerk and ex-Officio License Collector in the case.

Sec. 8. Every person having or required to have the receipt provided for in Section 1 of this Ordinance shall exhibit the same to any officer of the City of Stockton when by him requested to do so, and if such person have a fixed place of business said receipt shall be kept conspicuously posted therein.

Sec. 9. Every license shall become null and void at the expiration of the term specified in the receipt issued by the City Clerk and ex-Officio License Collector, and the person holding said receipt shall be deemed not to have or retain any license by virtue of having been previously licensed.

Sec. 10. The provisions of this Ordinance shall not apply to any exhibition, show or performance given for the exclusive benefit of any church, school, benevolent or social organization, or for any charitable purpose by any amateur dramatic association or literary society of the City of Stockton.

Sec. 11. Ordinance No. 19, "Concerning municipal licenses, regulating the issue, rates and revocation thereof," being originally Ordinance No. 290, approved December 28, 1889, and Ordinance No. 70, approved September 29, 1891, and Ordinance No. 86, approved April 12, 1892 (the two last-named Ordinances being amendatory of said Ordinance No. 19), are hereby repealed.

ORDINANCE No. 443.

(Approved May 8, 1907.) O. B. 7—147.

An Ordinance Concerning the Keeping, Conducting, Maintaining and Carrying On of Saloons, Bars, Bar-Rooms and Other Places Where Intoxicating Liquors, Wine, Ale or Beer or Any Mixture Containing the Same Are Sold or Given Away by the Glass or in Less Quantities Than One Quart, or Are Sold or Given Away, to Be Served, or Distributed, or Drunk, or Used on the Premises Where Sold or Given Away, Providing for Licensing the Same, and Limiting the Number Thereof, and Repealing All Ordinances or Parts of Ordinances in Conflict With the Provisions of This Ordinance.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful to keep, conduct, maintain or carry on, within the limits of the City of Stockton, any saloon, bar, bar-room or other place where intoxicating liquors, wine, ale or beer or any mixture containing the same are sold or given away by the glass or in less quantities than one quart, or are sold or given away to be served, or distributed, or drunk, or used on the premises where sold or given away, without first obtaining a permit and license therefor as hereinafter provided.

Sec. 2. No permit or license shall be granted to any person, firm, association or corporation to keep, conduct, maintain or carry on any of the kinds of business in this Ordinance specified, when the place where such business is to be kept, conducted, maintained, or carried on has any serving hoist, elevator or dumb waiter connecting it with any private room or place or apartment; or, when the place where such business is to be kept, conducted, maintained or carried on shall have any private entrance, or separate entrance, or side entrance, or back entrance, for any particular class of customers, or shall have any private, separate, side or back entrance or entrance other than the main entrance through which any patron or customer or any one shall be admitted to such place for the purpose of purchasing or consuming any intoxicating liquor, wine, ale or beer or any mixture containing the same, or shall have any word or words or sign or signs upon, over or in or about any entrance indicating or signifying that such entrance is for ladies or families or for any special or particular class of persons, or is a private, separate, side or back entrance to such place or to any place or apartment connected by use therewith; or when the place, where such business is to be kept, conducted, maintained or carried on, shall have or contain any room, place, apartment, alcove or booth or other enclosure which shall have more than one entrance thereto and which entrance shall be from the interior and be in plain view from all parts of such bar-room or place of business, and which entrance shall be accessible only through the main entrance of such bar-room or place of business; or when the place, where such business is to be kept, conducted, maintained or carried on, is not separated by a complete wall or partition without door, doorway or other opening, from any place where groceries, drugs or merchandise of any kind, except cigars or tobacco, are sold or intended to be sold; or in any case where such saloon, bar, bar-room, dramshop, tippling-house or other place is or will be kept, conducted, maintained or carried on at a place on, or in any lot, according to the original subdivisions of blocks in the City of Stockton which is

within three hundred feet (measured on any line or lines which can be drawn on, in, along or across the area of any public street or streets) of or from the premises upon which any public school building or upon which any public library building is (at the time of the application for such license) situated; and provided, further, that the prohibition concerning school property or concerning library property shall not apply to the renewal of any license in favor of any person having a license to him issued prior to the passage of this Ordinance, or in favor of any person purchasing a business under license at the time of the passage of this Ordinance.

No permit or license shall be granted or issued, except to an American citizen, and upon the condition that the applicant or applicants will conduct the saloon or other place for which a license is desired, in a quiet and orderly manner, and will not sell, give or deliver any intoxicating liquor, wine, ale or beer, or any mixture containing the same, to any person under the age of majority, nor allow any person under such age to frequent such place.

No permit or license shall be granted or issued to any person, firm, association or corporation that is not the owner of the business to be opened, kept, conducted, maintained, or carried on; or whose permit or license has been revoked for cause in accordance with the provisions of this Ordinance; or that has been convicted, subsequent to the time when this Ordinance takes effect, of the violation of any Ordinance of the City of Stockton relating to the liquor traffic; nor to any person, firm, association or corporation, unless such person, firm, association or corporation be of good moral character, sober and a suitable person or suitable persons to keep, conduct, maintain and carry on such place and business.

Sec. 3. Any person, firm, association or corporation desiring to obtain a permit and license shall present to the Board of Police and Fire Commissioners, for their approval, a petition to the Council, asking for the permit and license desired, which petition must set forth:

First—The name and residence (including street and number) of the applicant, and how long he has resided there, and, if the application is by a firm or association, the names and residences of all the members and their length of residence, and, if a corporation, the names and residences of all the officers and directors of the same.

Second—The place where the business, for which the permit and license is desired is to be carried on, giving the street and number.

Third—The name of the owner of the premises.

Fourth—That the applicant or applicants are the sole owners of the business proposed to be carried on.

Fifth—Whether or not the applicant has ever been engaged in the same kind of business before, and if so when and for how long.

Sixth—That the applicant has never had a permit and license granted under this Ordinance revoked for cause.

Seventh—That the applicant has never been convicted, since this Ordinance went into effect, of the violation of any Ordinance of the City of Stockton relating to the liquor traffic.

Eighth—That each applicant is of good moral character, sober and a suitable person to keep and conduct such a place and business.

Ninth—That the place where the business is to be carried on is not within three hundred feet, measured on any line or lines which can be drawn on, in, along or across the area of any public street

or streets, of or from the premises upon which any public school building or upon which any public library building is situated; or if within such distance, that the applicant had a license issued to him prior to the passage of this Ordinance.

Tenth—That such place has no serving hoist, elevator or dumb waiter connecting it with any private room or place or apartment; that it has no private, separate, side or back entrance for any particular class of customers; that it has no private, separate, side or back entrance or entrance other than the main entrance through which any patron or customer or any one shall be admitted to such place for the purpose of purchasing or consuming any intoxicating liquor, wine, ale or beer or any mixture containing the same; that it has no word or words or sign or signs upon, over or in or about any entrance indicating or signifying that such entrance is for ladies or families or for any special or particular class of persons, or is a private, separate, side or back entrance to such place or to any place or apartment connected by use therewith; that it has or contains no room, place, apartment, alcove or booth or other enclosure which has more than one entrance thereto and which entrance is from the interior and in plain view from all parts of such bar-room or place of business and which entrance is accessible only through the main entrance of such bar-room or place of business; that it is separated by a complete wall or partition, without any door, doorway or other opening, from any place where groceries, drugs or merchandise of any kind, except cigars or tobacco, are sold or intended to be sold.

Eleventh—That the applicant or applicants will keep and conduct such place in a quiet and orderly manner and will not sell, give or deliver any intoxicating liquor, wine, ale or beer or any mixture containing the same to any person under the age of majority, or permit or allow any person under such age to frequent such place.

And will not sell or furnish or cause to be sold or furnished intoxicating liquors to any habitual or common drunkard; and will not, after receiving notice that a person named in said notice is addicted to the inordinate use of intoxicating liquors, should the person named in said notice be so addicted, within a period of twelve months furnish to said person so addicted to the inordinate use of intoxicating liquors any spirituous liquors, wines or intoxicating or malt liquors. Said notice, however, to be in writing, and to be given by any adult member of the family of said person so addicted to the inordinate use of intoxicating liquors, or by any adult relative of said person so addicted to the inordinate use of said intoxicating liquors.

Twelfth—That if the permit and license asked for be granted, the applicant or applicants will conduct the said place and business in accordance with all the conditions, restrictions and provisions of this Ordinance, or any other Ordinance relating to the liquor traffic that may be adopted hereafter by the City Council of the City of Stockton, and will accept such permit and license upon the express condition that a violation of any such conditions, restrictions or provisions relating to the liquor traffic shall be good reason for the revocation of such permit and license.

Said application shall be signed by each and every applicant, and if a corporation by all the officers of, and the Board of Directors of, such corporation, and shall be accompanied by a recommendation recommending the granting of the permit and license asked for, signed by at least five respectable residents of said city, each of whom is an American citizen, and must either own real property or be the proprietor of a place of business in the block in which it is proposed to

keep, conduct, maintain or carry on such business; provided that no person whose name is signed to such recommendation shall be engaged in the same line of business as that which the applicant desires to carry on.

In the event of there not being five residents of the City of Stockton each of whom is an American citizen and either owns real property or is the proprietor of a place of business in the block where it is proposed to keep, conduct, maintain or carry on said business, then the aforesaid recommendation must be signed by the five residents of said city each of whom is an American citizen and either owns real property or is the proprietor of a place of business nearest to the said place, measuring in a straight line.

The term "block" as used in this section is hereby defined as meaning one side of the street and between the two nearest cross streets.

Upon receiving such application the Board of Police and Fire Commissioners shall, in its discretion, either approve or disapprove of the same.

When they approve or disapprove of the application, they shall transmit it to the City Council with their approval or disapproval indorsed thereon.

Before acting upon an application the Board may require a report upon the same from the Chief of Police. They may, also, in their discretion, hear testimony, but shall not be compelled to; provided, that they shall not act upon any such application except at a regular meeting of the Board, nor unless the application is in all respects as provided in this section; and provided further, that no application shall be approved or disapproved until at least one day after its presentation.

Sec. 4. Upon receiving an application which in all respects complies with the requirements of Section 3 of this Ordinance, and is approved by the Board of Police and Fire Commissioners, the City Council may, in its discretion, grant or refuse the permit; if the permit is granted, the Council shall authorize the issuance of the license as prayed for.

Sec. 5. Each permit shall be granted for and shall remain in force for three months, unless sooner revoked for cause, and for no longer.

Sec. 6. The holder or holders of any permit, or in the event of the death of such holder or holders, the representatives or heirs-at-law of such deceased holder or holders, desiring a renewal of the same, must present to the Board of Police and Fire Commissioners, at least five days before the regular meeting of said Board next before the time of the expiration of such permit, an application to the City Council for a renewal, which application shall state the names of the licensee or licensees, the place where the saloon or other business is carried on, the number and date of the permit and license originally granted, together with a statement that the saloon or other place has been conducted or carried on in accordance with the provisions, conditions and restrictions of this Ordinance, and in accordance with all other Ordinances relating to the liquor traffic, and upon receipt of such application the Board of Police and Fire Commissioners may, in its discretion, approve or disapprove of the same, and when approved or disapproved, the application shall be transmitted to the City Council, with the Board's approval or disapproval indorsed thereon.

Any person may file a written protest against the approval of an application for the renewal of a license on the ground that the licensee or licensees have not conducted the saloon or other place in accord-

ance with the provisions of this Ordinance or of some other Ordinance relating to the liquor traffic.

Upon the filing of such protest, the Board shall fix a time for hearing the same, giving the applicant at least five days' notice thereof, and shall then receive such proper evidence as may be offered. The Board shall find upon the issue of fact presented and approve or disapprove the application for a renewal in accordance with their findings.

When an application for renewal is approved or disapproved by the Board of Police and Fire Commissioners and has been transmitted to the City Council with the Board's approval or disapproval, as aforesaid, the Council may, in its discretion, grant or refuse the permit. When an application for renewal has been approved or disapproved by the Board and transmitted to the Council with the Board's action indorsed thereon, as aforesaid, any person may, and if any person does file, with the Council, a written protest against the granting of a renewal of a permit, the Council shall fix a time and place for the hearing of said protest, giving the applicant at least three (3) days' notice thereof, and at the time set for such hearing, or at such time to which such hearing may be postponed, the Council shall receive such proper evidence as may be offered. The Council shall, in accordance with their findings upon the facts as presented, either grant or refuse the permit.

The permit, if granted, shall be for the same length of time as that for which it was originally granted, and the Council shall order the license issued.

It shall be the duty of the Chief of Police to protest against the renewal of a license whenever he has reasonable grounds to believe that any provisions of this or any other Ordinance relating to the liquor traffic has been violated by the licensee.

No license now in force shall entitle the holder or holders thereof, nor, in the event of the death of such holder or holders thereof, shall entitle the representatives or heirs-at-law of such deceased holder or holders to a permit or license under the provisions of this Ordinance, but such holder or holders, or in the event of the death of such holder or holders, the representatives or heirs-at-law of such deceased holder or holders shall only obtain a permit or license under the provisions of this Ordinance by making application therefor under and by complying with the provisions of this Ordinance.

Sec. 7. Licenses shall be issued by the City Clerk and ex-Officio License Collector to persons entitled thereto upon the payment of the amounts hereby fixed as the rate to be charged for such licenses, to-wit:

First—For each saloon, bar, bar-room, or other place described in Section 1 of this Ordinance (except as mentioned in Subdivision 2 of this section), the sum of one hundred ($100.00) dollars per quarter.

Second—For each saloon, bar, bar-room, or other place described in Section 1 of this Ordinance in which any female acts in the capacity of a bartender, waiter, actress, dancer, singer, solicitor of custom, or servant, or plays upon any musical instrument, or is employed in any capacity whatever, either with or without compensation, the sum of two hundred ($200.00) dollars per quarter.

Sec. 8. The term "quarter," whenever used in this Ordinance in reference to duration of time, shall be construed and is hereby declared to mean one-fourth of a year, or three months.

Sec. 9. Permits and licenses shall be issued by the City Clerk and ex-Officio License Collector and countersigned by the President of the City Council, and shall be substantially in the following form, to-wit:

Permit and License No. ------.

This is to certify that the City Council has granted a permit to ---------- to keep, conduct, maintain and carry on ---------- under the provisions of Ordinance No. ---- of the Ordinances of the City of Stockton, at ---------- in said city, for the term of ---------- months from the ---------- day of ----------, 190--, unless such permit is sooner revoked for cause, upon his paying the license fee required by Ordinance No. -----.

I further certify that I have received from ---------- the sum of ---------- dollars in advance, the same being the license fee for one ----------, as provided by said Ordinance.

This license is valid only for ---------- months from date. (This permit and license is not transferable and only applies to the place designated herein.)

City Clerk and License Collector.

Countersigned.
[Seal.] ---------- ----------
President of the City Council.

Provided, that if the holder of a permit and license mentioned in this section shall transfer his business before the expiration of the term for which such permit and license shall have been issued, his successor or successors in business shall be entitled to use the permit and license for the unexpired term thereof.

Provided further, that if the holder of a permit and license mentioned in this section shall remove his place of business to another building or place in the same block before the expiration of the term for which such permit and license shall have been issued, he shall be entitled to such permit and license for the unexpired term thereof.

No license shall be issued after the expiration of the permit until a new permit is granted.

Sec. 10. Every permit and license shall be null and void at the expiration of the term specified in such permit and license.

Sec. 11. Every person, firm, association or corporation to whom a permit and license is issued under the provisions of this Ordinance, shall keep the same conspicuously posted in the place where the business is conducted.

Sec. 12. Any person may present to the City Council a petition praying for the revocation of any permit or license granted under the provisions of this Ordinance upon the ground that the holder or holders of such permit and license have, since its issue, violated some provision or provisions of this Ordinance, or of some other Ordinance of the City of Stockton relating to the liquor traffic.

Such petition shall set forth a concise statement of the facts constituting the alleged violation, and, if presented by any other person than the Chief of Police of said city, shall be sworn to. The Chief of Police shall not be required to swear to any petition presented by himself.

Upon receiving such petition the Council shall fix a time for the hearing of the same, and shall cause a notice of such hearing, together

with a copy of the petition, to be served upon all of the persons charged therein, at least five days before the time fixed for such hearing.

At the time fixed for such hearing, or at such time to which the hearing may be adjourned, the Council shall hear such testimony as may be offered.

After hearing the testimony, the Council shall decide whether or not the allegations of such petition, or any of them, are true. If the Council shall find that any of the allegations of said petition, relative to the conduct of the saloon, or other place, are true, they shall declare the permit revoked and order the Clerk and ex-Officio License Collector not to issue any further license thereunder. Any license already issued shall be and become void from the time of the revocation of the permit under which such license was issued.

Sec. 13. The Chief of Police and any policeman of the City of Stockton, and any peace officer of any city, county or township of the State of California, shall be entitled at all times to visit and inspect every part and portion of any place for which a license is issued, and any attempt to prevent or evade such visit or inspection by the proprietor or his employes shall be good cause for the revocation of any license.

Any failure or neglect by the proprietor of any place to furnish any such officer with all the facts or information within his knowledge concerning any crime committed in or about his place, and any such failure or neglect on the part of any employe, unless such employe be immediately discharged, shall be good cause for such revocation.

Sec. 14. It shall be the duty of the Chief of Police to cause all such places in the city, established and licensed under the provisions of this Ordinance, to be visited at least once each week by the police of said city, to ascertain if any of the provisions of this or any other city Ordinance relating to the liquor traffic has been violated.

Whenever any police officer shall, either from such visit or from any other source, learn of, or know of, any such violation, it shall be his duty to make a written report of the same to the Chief of Police, with the names of such witnesses as he may ascertain; and any refusal or neglect of any police officer to report, in writing, to the Chief of Police, any such violation coming to his knowledge, shall be good and sufficient cause for his removal from the police force of said city.

It shall be the duty of the Chief of Police to make a written report to the Board of Police and Fire Commissioners, at each meeting, of the manner in which the places licensed under the provisions of this Ordinance are kept, conducted, maintained and carried on, and to present to the City Council a petition for revocation against any licensee whom he may know, or have reasonable grounds to believe, has violated any of the provisions of this Ordinance; or has violated the provisions of any other Ordinance relating to the liquor traffic; or keeps, conducts, maintains or carries on a bar-room or place which is the frequent resort for dissolute persons, known thieves, common drunkards, common prostitutes, persons without visible means of living, beggars or vagrants, or in which fighting, quarreling, disturbances of the peace or other public offenses are of frequent occurrence.

Sec. 15. Each license issued before this Ordinance is in force shall continue and be in force until the expiration of the time for which such license was issued, and no longer.

Sec. 16. Nothing in this Ordinance shall be applicable to druggists and apothecaries furnishing liquor upon the written prescription of a

regularly licensed and registered physician where the same is not used or drunk upon the premises, nor shall it apply to any person supplying alcohol, or preparations containing the same, for scientific, mechanical or medicinal purposes.

Sec. 17. Nothing in this Ordinance shall be construed as being applicable to any dining-room, restaurant, eating-house or tamale-house devoted exclusively to such business, where wines, ales and beer, but no distilled liquors are furnished with and as a part of meals, and where no bar is kept, and no wine, ale or beer is sold or given away, except with meals.

Sec. 18. It is hereby provided that, until the number of permits granted or licenses issued for keeping, conducting, maintaining or carrying on any of the places of business mentioned in Section 1 of this Ordinance, shall not exceed eighty (80) in number at any one time, no permit shall be granted or license issued to any person, firm, association or corporation to keep, conduct, maintain or carry on, within the limits of the City of Stockton, any of the places mentioned in Section 1 of this Ordinance, except to those now holding such permits and licenses, or to their successors in business, and at the places where their said business is now located, or to which their said business may be hereafter removed or located by them and there kept, conducted, maintained and carried on; and no permit shall be granted or license issued to any person, firm, association or corporation to keep, conduct, maintain or carry on any business mentioned in Section 1 of this Ordinance at the place where such business is now established if such place shall cease to be established for any period of time, except in the event that such cessation is due to the destruction or removal, from any cause, of the premises in which such place of business was established, and then in that event only when the premises are immediately and without unnecessary delay rebuilt or replaced and said place of business immediately reopened and re-established by the same person, firm, association or corporation which kept, conducted, maintained or carried on said place before the cessation, as aforesaid.

And it is further provided that when the number of licenses issued for keeping, conducting, maintaining or carrying on any of the places mentioned in Section 1 of this Ordinance shall be reduced to eighty (80) in number, then that number, to-wit, eighty (80) licenses for keeping, conducting, maintaining or carrying on the places mentioned in Section 1 of this Ordinance, shall never be exceeded at one time within the City of Stockton.

Notwithstanding anything contained in this section, licenses may be issued to any person, firm, association or corporation, upon obtaining a permit in the manner as in this Ordinance is provided, to keep, conduct, maintain and carry on, in accordance with the provisions of this Ordinance, any place mentioned in Section 1 of this Ordinance, when such place is to be kept, conducted, maintained or carried on in connection with a hotel owned or controlled by such person, firm, association or corporation.

Sec. 19. It shall be unlawful for any person, firm, association or corporation to keep open or do business, or to allow any business to be carried on or conducted, or to sell or give away or to allow any person to drink any intoxicating liquor, wine, ale or beer or any mixture containing the same in any of the places mentioned in Section 1 of this Ordinance, between the hours of one (1) o'clock in the morning and five (5) o'clock in the morning.

Sec. 20. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in Section seventy-four (74) of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 21. All Ordinances or parts of Ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Sec. 22. This Ordinance shall take effect and be in force from and after final passage and approval.

ORDINANCE No. 464.

(Approved February 24, 1908.) O. B. 7—186.

An Ordinance Requiring the Closing at Certain Times of All Saloons, Bars, Bar-Rooms, Dram-Shops, Tippling-Houses, Tippling Places or Stands Where Vinous, Spirituous, Distilled, Fermented, Malt, Alcoholic or Intoxicating Liquors or Wines, or Any Admixture Thereof, Are Sold, Given Away or Otherwise Disposed Of, Either at Wholesale or Retail, Within the Corporate Limits of the City of Stockton, and Prohibiting the Sale or Giving Away or Other Dispensation of Said Liquors or Wines at Any of Said Places at Certain Times; Prohibiting the Sale or Giving Away or Other Dispensation of Said Liquors or Wines by Tamale-Houses, Tamale Cafes, Restaurants, Hotels, Lodging-Houses, Clubs, Pharmacies, Drug Stores and All Other Public Places, at Certain Times, and Excepting From the Provisions Hereof the Use of Wines at Church Sacraments, and the Sale or Giving Away or Other Dispensation of Intoxicating Liquors by Druggists or Registered Pharmacists or Their Assistants, Upon a Regularly Licensed Physician's Prescription for Each Time That Any of Said Intoxicating Liquors or Wines Are Sold, Given Away or Dispensed to Any Person; Declaring Certain Acts to Be a Misdemeanor and Prescribing Penalties for the Violation of Said Ordinance.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every saloon, bar, bar-room, dram-shop, tippling-house, tippling place or stand where vinous, spirituous, distilled, fermented, malt, alcoholic or intoxicating liquors or wines of any kind, or any admixture thereof, are sold, given away or otherwise disposed of, either at wholesale or retail, within the corporate limits of the City of Stockton, shall be closed and kept closed from and after twelve (12) o'clock midnight of Saturday until the hour of five (5) o'clock a. m. of the next following Monday of each and every week after the final passage and approval of this Ordinance, and for and during the whole and every part of the time when, as provided in this section, all places and things named or described in this section, are required to be closed, the sale, gift or other dispensation of any spirituous, vinous, malt, alcoholic or intoxicating liquor of any kind, or any admixture of the same, at or in any of said places or things, is hereby prohibited.

Sec. 2. The sale, gift or dispensation of any spirituous, vinous, malt or intoxicating liquor, or any admixture thereof, at or in tamale-houses, tamale cafes, restaurants, hotels, lodging-houses, clubs, pharmacies, drug stores and all other public places from and after the hour of twelve (12) o'clock midnight of Saturday until the hour of five (5) o'clock a. m. of the next following Monday of each and every week after the final passage and approval of this Ordinance, and from and after the hour of one (1) o'clock a. m. until the next following hour

of five (5) o'clock a. m. on other days of each and every week after the final passage and approval of this Ordinance, is hereby strictly prohibited.

Sec. 3. During any of the time or times when saloons and other places named or described in this Ordinance are, by the provisions thereof, required to be closed and kept closed, or are prohibited from selling or giving away any of said intoxicating liquors, spirituous, vinous, malt or intoxicating liquor may for medicinal purposes, but not otherwise, be dispensed by registered pharmacists, or their registered assistants, at their pharmacies or drug stores, but only in the manner and on the conditions following, to-wit:

1. Upon the prescription of a regularly licensed physician for each time that any intoxicating liquors are sold, given away or dispensed to any person.

2. A public register shall be kept at the pharmacy or drug store. open to the inspection of all persons or officers interested in the observance of this law, in which shall be entered and preserved a record of each dispensation so made during the time or times of the closure or of the prohibition of the sale or giving away of spirituous, vinous, malt or intoxicating liquor, as provided in this Ordinance.

3. The record in said register of each dispensation shall state the date of the physician's prescription, the name of the physician who signs the prescription, the date when and the person to whom the liquor is dispensed, and the kind and quantity of the liquor dispensed.

4. The sale, gift or dispensation during said time of said required closure or prohibition of the sale or giving away of any spirituous, vinous, malt or intoxicating liquor at any drug store or pharmacy, in any manner other than prescribed in this section, shall be governed by the provisions of this Ordinance, and subject the pharmacy or drug store and the pharmacists and assistants therein to the requirements of those sections as to closure and to the prohibition of the sale or giving away of such intoxicating liquors and to the penalties in this Ordinance prescribed.

Sec. 4. It is further provided that this Ordinance shall not apply to the use or dispensation of wines at church sacraments.

Sec. 5. Any violation of this Ordinance shall be unlawful and a misdemeanor, and shall be punishable by a fine of not to exceed one hundred and fifty dollars ($150), or by imprisonment in the County Jail of the County of San Joaquin, or the City Prison of the City of Stockton, not to exceed one hundred and fifty (150) days, or by both such fine and imprisonment, or by such fine, with the alternative of the payment thereof, of such imprisonment at the rate of one (1) day of imprisonment for each dollar of fine imposed.

Sec. 6. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 60.

(Approved July 20, 1891.)

Regulating the Running at Large, License, and Impounding of Dogs.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful for any dog or bitch to be on or in any street, public way or square unless around the neck of the same

is a collar to which is attached a tag bearing the number marked thereon by the City Clerk. But this section does not apply to a dog or bitch which accompanies its owner, such owner not being a resident of the City of Stockton.

Sec. 2. The tag aforesaid, together with the license hereinafter mentioned, shall be by the City Clerk issued upon payment to him by an applicant for such license of $1.50, if for a dog, or $3.00 if for a bitch Such tag shall have stamped thereon by the said Clerk the words and figures "April 1, 189—," and shall be good for one year from such date.

Sec. 3. The license aforesaid shall contain a particular description of the animal for which such license and the corresponding tag are intended, and shall be for the same period as such tag.

Sec. 4. All moneys received by said Clerk for issuing such tags or licenses shall be paid into the City Treasury to the credit of a special fund to be known as the "Dog Fund," and such fund shall, to the extent it may be needed therefor, be applied in carrying out the provisions of this Ordinance.

Sec. 5. Any dog or bitch found on or in any street, public way or square in contravention or violation of this Ordinance may and shall be impounded by the City Poundkeeper and, when impounded, be so kept and under humane treatment for thirty-six hours unless sooner redeemed by its owner by production of the required license and the payment of $1.00 as pound fee. If such animal be not so redeemed within thirty-six hours the Poundkeeper shall kill such animal and bury the carcass outside of the city limits, for which service the Poundkeeper shall be entitled to $1.00, payable out of said "Dog Fund;" provided, that the Poundkeeper may, instead of killing, sell such animal to anyone who before the delivery to him of the same shall secure the proper license and tag therefor.

Sec. 6. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 215.

(Approved April 27, 1898.)

To Prevent Animals From Running at Large and Prescribing the Duties, Fees and Charges of the Poundkeeper in Connection Therewith.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful for any horse, ass, mule, hog, pig, goat, sheep, ox, bull, cow, calf, or any horned or other animal or cattle to run at large within the corporate limits of the City of Stockton, either in the day time or at night, and any animal aforesaid found at large within the limits of said city, either by day or night, may be impounded by the City Poundkeeper.

Sec. 2. It is hereby made the duty of the City Poundkeeper to take or drive to and impound in the City Pound any of the animals aforesaid found at large in said city, either by day or night, and when so impounded such animal or animals shall not be taken or removed therefrom without the costs and charges against the same are paid as hereinafter provided. The costs and charges shall be such as are fixed and imposed by this Ordinance.

Sec. 3. Whenever the City Poundkeeper shall have impounded any horse, mule, ass, cow or other horned cattle that may, in his

judgment, be of the value of $50, he shall publish a notice of the fact of such impounding, with a brief description of the animal or animals impounded, at least three times in some daily newspaper published in the City of Stockton. In all other cases he shall give such notice, either by publishing as aforesaid, or by posting notices of the fact of such impounding, with a brief description of the animal or animals impounded, in three of the most public places in the city, one of which shall be the office of the Chief of Police, and in case any hog, pig, sheep, goat or calf shall be impounded, said City Poundkeeper shall give notice thereof by posting as above provided; if the owner or owners of such animal or animals so impounded shall fail to claim and take the same and pay the costs and charges thereon within four days after the first publication of said notice, if published, or the posting of the same, if posted, the City Poundkeeper shall give two days' notice that he will sell such animal or animals at public auction, and at the expiration of the last-named notice the City Poundkeeper shall sell such animal or animals at public auction to the highest bidder for United States gold coin, and after paying the costs and expenses chargeable against the animal or animals sold he shall pay the remainder of the proceeds of such sale into the City Treasury. The notice of sale at public auction shall be given by posting notices in three of the most public places in said city.

Sec. 4. For publishing notice of impounding any horse, mule, ass, cow or other animal as herein provided, the publisher shall be entitled to receive $3.00.

Sec. 5. The City Poundkeeper, for each horse, mule, ass, cow or other horned cattle by him impounded, or by him received in the City Pound, shall be entitled to charge and collect a fee of $3.00, and for each hog, goat or sheep he shall be entitled to charge and collect a fee of $1.50, and for each pig 75 cents, which said fee shall in each case attach and become a charge against each animal from and at the time when the officer shall undertake to impound the same. The Poundkeeper, in addition to the fees aforesaid, shall be entitled to charge and collect for each and every day that he may keep any horse, mule, ass, cow or other horned cattle $1.00; and for each and every day that he may keep any hog, sheep, goat or pig, 50 cents, which shall cover all charges for feeding and caring for any animal by him kept in the City Pound. The fees, costs and charges aforesaid shall be chargeable against the animal or animals impounded, and shall be paid before the animal or animals are delivered to the owner or claimant thereof, and shall be kept and retained by the City Poundkeeper for his own use and benefit and as full compensation for all services rendered, and expenses incurred by him as such Poundkeeper; provided, that none of the fees or charges mentioned in this Ordinance shall ever be paid by the City of Stockton.

Sec. 6. All moneys paid into the City Treasury under this Ordinance shall be for the benefit of the owner or owners of the animal or animals from the sale of which the money arose, if such owner shall call for the same within three months and make satisfactory proof to the City Treasurer that he is entitled thereto, but if he fail to call for the money within six months it shall vest in the city.

Sec. 7. Ordinance No. 23 (being originally No. 295, passed February 4, 1890) is hereby repealed.

Sec. 8. This Ordinance shall take effect from and after final passage and approval.

ORDINANCE No. 302.

(Approved August 30, 1901.) O. B. 6—142.

An Ordinance Amending Section 1 of Ordinance No. 260, Relating to the Regulating the Use of the Harbor and Wharves of the City of Stockton, Fixing Tonnage, Harbor Dues and Wharf Rates.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 1 of Ordinance No. 260, relating to the regulating the use of the harbor and wharves of the City of Stockton, fixing tonnage, harbor dues and wharf rates, is hereby amended so as to read as follows:

Section 1. The master, captain, owner, agent or other person in charge, or having control or management of any steamboat, sailing vessel, barge or other craft employed in receiving, landing at, or transferring cargo or passengers at or from any public wharf, levee or landing within the corporate limits of the City of Stockton, shall pay for each and every trip thereof tonnage or harbor dues at the following rates, to be calculated in each and every instance on the registered tonnage, to-wit:

On each steamboat, sailing vessel, barge or other craft registering one hundred (100) tons or under, three (3) cents per ton; on each steamboat, sailing vessel, barge or other craft registering more than one hundred (100) tons, for the first one hundred (100) tons, three (3) cents per ton, and for every additional ton, one and one-half (1½) cents per ton.

On each steam tug used in towing sailing vessels or barges, and not carrying any cargo or passengers, two (2) cents per ton.

Sec. 2. All tonnage and harbor dues shall be paid before any portion of any freight or cargo is landed, received, or transferred, unless the Harbormaster specially permits otherwise.

Sec. 3. No portion of the freight or cargo of any steamboat, sailing vessel, barge or other craft upon which tonnage or harbor dues remains due or unpaid from a previous trip shall be landed, received or transferred until all such arrears have been lawfully paid, together with ten ($10.00) dollars additional, as a penalty for the violation of the City Charter in the premises.

Sec. 4. It shall be unlawful for any owner or consignee receiving or shipping any goods, wares, merchandise, coal, cord wood, hay, lumber, bricks, empty barrels and empty boxes to allow the same to be or remain upon any of the wharves within the corporate limits of the City of Stockton longer than forty-eight hours free from charge whether in transit or otherwise.

Sec. 5. Any person desiring to use any of the wharves owned by the City of Stockton longer than forty-eight hours, upon application to the Harbormaster shall receive a permit to allow their goods, wares or merchandise to remain such time as may be authorized by the Harbormaster upon payment of the following rates, to-wit:

For hay, five (5) cents per ton per day.
For grain of any kind, one (1) cent per ton per day.
For coal, one and one-half (1½) cents per ton per day.
For bricks, one and one-half (1½) cents per thousand per day.
For cord wood, five (5) cents per cord per day.
For empty barrels and empty boxes, one-half (½) cent each per day.

For wool, per bale, per day, five (5) cents.
For lumber, per thousand, one (1) cent per day.
For posts, per thousand, ten (10) cents per day.
For shingles, per thousand, five (5) cents per day.
For laths, per thousand, five (5) cents per day.
For any and all kinds of property not herein specified, one (1) cent per ton per day.

Sec. 6. Any person desiring to rent any portion of the wharves, levees or banks of the navigable waters owned or controlled by the City of Stockton, may, upon applying to the Harbormaster, rent the same at the rate of 25 cents per month per front foot for the wharves, and 10 cents per month per front foot for levees and banks. And the Harbormaster may set apart a portion of the wharf, levee or bank applied for, or a like portion elsewhere, subject to ratification by the City Council, and to be vacated at the end of any month the Council may see fit, upon ten days' notice in writing to the lessee.

Sec. 7. All tonnage, harbor dues, wharf rates, rentals and penalties provided for in this Ordinance shall be recoverable in a civil action in the name of the City of Stockton.

Sec. 8. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 343.

(Approved July 14, 1903.) O. B. 6—321.

An Ordinance Amending Section 1 of Ordinance No. 260, Relating to "Regulating the Use of the Harbor and Wharves of the City of Stockton, Fixing Tonnage, Harbor Dues and Wharf Rates," Approved June 15, 1900.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 1 of Ordinance No. 260, relating to "regulating the use of the harbor and wharves of the City of Stockton, fixing tonnage, harbor dues and wharf rates," approved June 15, 1900, is hereby amended so as to read as follows:

Section 1. The master, captain, owner, agent or other person in charge or having control or management of any steamboat, sailing vessel, barge or other craft employed in receiving, landing at, or transferring cargo or passengers at or from any wharf, levee or landing within the corporate limits of the City of Stockton, shall pay for each and every trip thereof tonnage or harbor dues at the following rates, to be calculated in each and every instance on the registered tonnage, to-wit:

On each steamboat, sailing vessel, barge or other craft registering one hundred and fifty (150) tons or under, three (3) cents per ton; on each steamboat, sailing vessel, barge or other craft registering more than one hundred and fifty (150) tons, on the first one hundred and fifty (150) tons one and one-half (1½) cents per ton, and on each additional ton three-quarters (¾) of a cent per ton.

On each steam, electric, gasoline or other motive power tug used in towing sailing vessels or barges, and not carrying any cargo or passengers, two (2) cents per ton.

Sec. 2. This Ordinance shall take effect from and after its final passage and approval.

BOND ISSUES.

ORDINANCE No. 21.

(Being originally No. 309, approved July 28, 1890.)

Providing for the Issue, Sale and Redemption of Bonds of the City of Stockton in Accordance With the Result of the Special Election Held in Said City on the Tenth Day of June, 1890.

Whereas, At a special election held in the City of Stockton on the tenth day of June, 1890, pursuant to the laws of the State of California, and in accordance with Ordinance No. 302 of said city, the said city has been authorized to incur an indebtedness of $195,000 for the purposes in said Ordinance specified and to issue bonds to the amount of said indebtedness; now therefore

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton shall incur an indebtedness of $195,000 for the four several purposes in said Ordinance No. 302, and hereinafter specified, and bonds of said city evidencing such indebtedness shall be issued to said amount of the number, denomination and character hereinafter specified.

First—For the construction, completion and maintenance within the limits of the City of Stockton a general, comprehensive and effective system of sewers, shall be issued eighty bonds, each for $1,000, and bearing interest coupons, each for $25.00, and twenty bonds, each for $250.00, and bearing interest coupons, each for $6.25; said one hundred bonds shall be numbered consecutively from one to one hundred, inclusive, and every fifth bond shall be of the denomination of $250.00. Said bonds shall be divided into twenty series, numbered from one to twenty, inclusive. Series one shall include the bonds numbered from one to five, inclusive, and each succeeding series shall include the five bonds which are numbered consecutively next after those included in the preceding series. The proceeds of the sale of these said one hundred bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund No. 1.

Second—For the acquisition, construction and completion within the City of Stockton of a system whereby fresh water may be supplied for street sprinkling, for the use of the Fire Department and for the flushing of sewers, shall be issued twenty bonds, each for $1000, and bearing interest coupons each for $25.00; twenty bonds, each for $500.00, and bearing interest coupons each for $12.50, and twenty bonds, each for $250.00, and bearing interest coupons each for $6.25. Said sixty bonds shall be numbered consecutively from one to sixty, inclusive, and every second bond shall be of the denomination of $500.00, and every third bond of the denomination of $250.00. Said bonds shall be divided into twenty series, numbered from one to twenty, inclusive. Series one shall include the bonds numbered from one to three, inclusive, and each succeeding series shall include the three bonds which are numbered consecutively next after those included in the preceding series. The proceeds of the sale of these said sixty bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund No. 2.

Third—For the construction, completion and maintenance of bridges in the City of Stockton shall be issued twenty bonds, each for

$1,000, and bearing interest coupons each for $25.00, and twenty bonds, each for $250.00, and bearing interest coupons, each for $6.25. Said forty bonds shall be numbered consecutively from one to forty, inclusive, and every second bond shall be of the denomination of $250.00. Said bonds shall be divided into twenty series, numbered consecutively from one to twenty, inclusive. Series one shall include the bonds which are numbered one and two, and each succeeding series shall include the two bonds which are numbered consecutively next after those included in the preceding series. The proceeds of the sale of these said forty bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund No. 3.

Fourth—For the improvement of the public squares and of the sidewalks and streets around them and the improvement of the streets around the water-front on Stockton Channel in the City of Stockton, and the construction, completion and maintenance of a system of surface drainage in said city, shall be issued forty bonds, each for $1,000, and bearing interest coupons, each for $25.00, and twenty bonds, each for $500.00, and bearing interest coupons each for $12.50. Said sixty bonds shall be numbered from one to sixty, inclusive, and every third bond shall be of the denomination of $500.00. Said bonds shall be divided into twenty series, numbered from one to twenty, inclusive. Series one shall include the bonds numbered from one to three, inclusive, and each succeeding series shall include the three bonds which are numbered consecutively next after those included in the preceding series. The proceeds of the sale of these said sixty bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund No. 4.

One-twentieth part in amounts of the bonds evidencing the indebtedness for each of the four purposes, objects or funds aforesaid shall be payable on the tenth day of September of each year until the indebtedness for that purpose, object or fund shall have been paid, and interest upon all unpaid amounts, at the rate of 5 per cent per annum, shall be payable semi-annually, on the tenth day of March and the tenth day of September of each year. Each of the interest coupons shall represent six months' interest, be payable to bearer, and the number of coupons attached to each bond shall at least equal twice the number of years the bond has to run before due.

Sec. 2. The form and language of all said bonds shall be substantially as follows:

"State of California. United States of America. Bond of the City of Stockton.

"Bond No. _____. Series No. _____. $_____.

"Municipal Improvement Fund, No. _____.

'The City of Stockton, a municipal corporation in the County of San Joaquin, State of California, owes and agrees for values received to pay to _____ or order, at the office of its City Treasurer in said city, on the tenth day of September, A. D. _____, the sum of _____ dollars, gold coin of the United States of America, with interest thereon in like gold coin at the rate of 5 per cent per annum, payable semi-annually on the tenth day of March and the tenth day of September of each calendar year from date hereof, at said office of the City Treasurer of said city, on presentation and surrender of the proper interest coupon hereto attached. This bond ceases to bear interest when due unless presented for payment.

"This bond and the series to which it belongs are issued by the City Council of the City of Stockton under the provisions of an Act of the Legislature of the State of California, approved March 19, 1889, entitled: An Act to authorize the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State, for the construction of water works, sewers and all necessary public improvements, or for any purpose whatever, and to repeal the Act approved March 9, 1885, entitled: An Act to authorize municipal corporations of the fifth class containing more than 3,000 and less than 10,000 inhabitants to obtain water works; also to repeal an Act approved March 15, 1887, entitled: An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State; and pursuant to a vote given at an election had in said city, under the provisions of said Act, on the tenth day of June, 1890. And it is hereby declared that said election was in all respects duly called, held and conducted, that the notice thereof and the canvass and declaration of the results thereof were in all respects had and made in accordance with the law, and that the issuance of this bond and all proceedings precedent thereto or connected therewith have been regular and in strict accordance with the law.

"In witness whereof the City of Stockton, by its Mayor and City Council, has caused and authorized its Mayor to sign hereto the name of said city, its City Treasurer to sign his own name hereto, and its City Clerk to countersign the same and affix the corporate seal of the said City of Stockton on this tenth day of September, 1890.

"THE CITY OF STOCKTON.

"By ----------

"Mayor of Said City.

[Seal of the City of Stockton.]

"----------

"City Treasurer of Said City.

"Countersigned,

"----------

City Clerk of Said City."

The interest coupons attached to said bonds shall be substantially in the following form and language:

"Municipal Improvement Fund No. -------.

"$----------. "Bond No. -------. "Coupon No. ------

"The City of Stockton will pay to bearer at the office of its City Treasurer, in said city, on the tenth day of ----------, ------, ---------- dollars gold coin of the United States, for interest on the bond aforesaid.

"----------

"Treasurer of Said City."

Sec. 3. The Mayor, Treasurer and City Clerk of the City of Stockton are hereby authorized and directed to sign and execute all said bonds as of the date of September 10, 1890, and the Treasurer to sign all said interest coupons in the manner and form indicated by the form prescribed in Section 2 of this Ordinance, and the acts of each of them in so doing shall be construed to be both for his official self and for the said City of Stockton. The Committee on Printing of said City Council is hereby authorized to supervise the printing and execution of all said bonds and coupons.

Sec. 4. Said bonds, or any portion of them, may be sold by said City Council at not less than their par value and at either public or private sale without further notice.

Sec. 5. There shall be levied and collected annually for the term of twenty years by the municipal authorities of the said City of Stockton, at the time of the levy and collection of other city taxes and in addition to all other taxes levied for city purposes, a special tax sufficient to pay, and with which shall be paid, one-twentieth part of the aggregate amount of the said indebtedness so incurred for each and every one of the purposes and objects aforesaid. The moneys so collected shall constitute a sinking fund for the payment of the principal amount of said indebtedness within twenty years from the time of contracting the same, and so that said indebtedness may be wholly paid on or before the tenth day of September, A. D. 1910. The taxes so collected shall be deposited in the treasury of said city to the credit of Municipal Improvement Funds Nos. 1, 2, 3 and 4, respectively, and shall be applied solely to the payment of the principal and interest of said bonds as the same fall due.

Sec. 6. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 58.

(Approved July 7, 1891.)

Concerning the Matter of Incurring a Bonded Indebtedness by the City of Stockton for the Purpose of Improving the Navigable and Other Channels Within Said City; Providing for the Issue, Sale and Redemption of Bonds of Said City in Accordance With the Results Herein Declared of an Election Held in Said City on the Nineteenth Day of May, 1891.

Whereas, The City Council of the City of Stockton did by Ordinance No. 329 call a special election in connection with and as a part of a general election for officers of said city to be held in said city on the 19th day of May, 1891, and at said election submit to the voters of said city the proposition to incur a municipal indebtedness in the sum of $40,000 for the purpose of constructing and completing improvements of the navigable and other channels within the corporate limits of said city, by dredging the same, by building and repairing bulkheads on the banks thereof, and by otherwise preparing the same for convenient use; and,

Whereas, Said Ordinance was, after its passage and approval and before the beginning of the publication of the notice of said election, published daily for more than ten days in the Stockton Daily Independent, a newspaper published in said city; and said Council did by said Ordinance and otherwise cause to be published and there was published in said newspaper daily for more than two weeks after the completion of the publication as aforestated of said Ordinance and before the day or time of said election, a due and sufficient notice of said election, in which notice among other things were fully set forth the purpose for which said indebtedness was and is to be incurred, the number and character of the bonds to be issued, the rate of interest to be paid, and the amount of the tax levy to be made for the payment thereof; and,

Whereas, Said special election in connection with and as a part of the general election for city officers on that day was duly held on said 19th day of May, 1891, in all particulars according to law and the provisions of said Ordinance and the terms of said notice of election; and the proper officers of said election returned to and filed with the City Clerk of said city the returns of said special election; and said

returns were on the 25th day of May, 1891, opened and duly canvassed by the City Council of said city acting by and through its Committee of the Whole, which said committee presented its report to said Council, which report was duly received, approved and adopted by said Council and entered of record in the minutes of said Council; now, therefore, in accordance with the results of said canvass and the record thereof aforesaid be it ordained by the City Council of the City of Stockton as follows:

Section 1. It is hereby declared that the total number of voters voting at said special election was and is 2,799; that at said election 2,572 votes were cast in favor of and for the said proposition to incur a municipal indebtedness for the purpose in the preamble of this Ordinance aforestated and that 227 votes and no greater number were cast against said proposition; that in detail the votes cast at said election upon said proposition were as follows, to-wit:

	For the Indebtedness.	Against the Indebtedness.
First Ward—		
First Precinct	186	25
Second Precinct	176	10
Third Precinct	360	13
Second Ward—		
First Precinct	228	6
Second Precinct	224	26
Third Precinct	182	9
Third Ward—		
First Precinct	219	79
Second Precinct	137	0
Third Precinct	131	14
Fourth Ward—		
First Precinct	251	9
Second Precinct	270	17
Third Precinct	208	18
Totals	2572	227

It is further declared that said 2,572 votes as aforesaid cast in favor of and for said proposition were and are more than two-thirds of all the votes cast by all the voters voting at said election, whether upon said proposition or otherwise; that by the votes of more than two-thirds of all the voters voting at said election said proposition was and is accepted, and said indebtedness of $40,000 for the purposes aforestated and the issuance of bonds of said city in the amount of $40,000 were and are determined and authorized.

Sec. 2. The City of Stockton shall incur an indebtedness of $40,000 for the purpose of constructing and completing improvements of the navigable and other channels within the corporate limits of said city by dredging the same, by building and repairing bulkheads on the banks thereof, and by otherwise preparing the same for convenient use, and bonds of said city evidencing such indebtedness shall be issued in the amount of $40,000 of the number, denomination and character hereinafter designated.

Sec. 3. Said bonds shall be of the kind known as "serials," shall be forty in number, each for $1,000, and bearing interest coupons each for $25.00. Said bonds shall be numbered consecutively one to forty, inclusive, and be divided into twenty series, which shall be numbered

from one to twenty, inclusive. Series one shall include the two bonds numbered one and two, respectively, and each succeeding series shall include the two bonds which are numbered consecutively next after the preceding series.

Sec. 4. One-twentieth part in amount of the bonds evidencing said indebtedness shall be payable on the tenth day of September of each year until said indebtedness shall have been paid, and interest on all unpaid amounts at the rate of 5 per cent per annum shall be payable semi-annually on the tenth day of March and the tenth day of September of each year. Each of the interest coupons shall represent six months' interest, be payable to bearer at the office of the City Treasurer of said city, and the number of coupons attached to each bond shall be equal to at least twice the number of years the bond has to run before due.

Sec. 5. The form and language of all said bonds shall be substantially as follows:

"State of California. United States of America. Bond of the City of Stockton.

"Bond No. _____. Series No. _____. $1,000.

"Municipal Imporvement Fund No. 5.

"The City of Stockton, a municipal corporation in the County of San Joaquin, State of California, owes and agrees for value received to pay to _____, or order, at the office of its City Treasurer in said city, on the tenth day of September, A. D. _____, the sum of $1,000, gold coin of the United States of America, with interest thereon in like gold coin at the rate of 5 per cent per annum, payable semi-annually on the tenth day of March and the tenth day of September of each calendar year from date hereof, at said office of the City Treasurer of said city, on presentation and surrender of the proper interest coupon hereto attached. This bond ceases to bear interest when due unless presented for payment.

"This bond and the series to which it belongs are issued by the City Council of the City of Stockton under the provisions of an Act of the Legislature of the State of California, approved March 19, 1889, entitled 'An Act to authorize the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State, for the construction of water works, sewers and all necessary public improvements, or for any purpose whatever,' and to repeal the Act approved March 9, 1885, entitled 'An Act to authorize municipal corporations of the fifth class containing more than 3,000 and less than 10,000 inhabitants to obtain water works;' also to repeal an Act approved March 15, 1887, entitled 'An Act authorizing the incurring of indebtedness by cities, towns and municipal incorporations incorporated under the laws of this State' (inclusive of amendments thereof), and pursuant to a vote given at an election had in said city, under the provisions of said Act (inclusive of amendments thereof), on the nineteenth day of May, 1891. And it is hereby declared that said election was in all respects duly called, held and conducted, that the notice thereof and the canvass and declaration of the results thereof were in all respects had and made in accordance with the law, and that the issuance of this bond and all proceedings precedent thereto or connected therewith have been regular and in strict accordance with the law.

"In witness whereof the City of Stockton, by its Mayor and City Council, has caused and authorized its Mayor to sign hereto the name of said city, its City Treasurer to sign his own name hereto, and its

City Clerk to countersign the same and affix the corporate seal of the said City of Stockton on this tenth day of September, 1891.

"THE CITY OF STOCKTON.

"By ----------,
"Mayor of Said City.

[Seal of the City of Stockton.]

----------,
"City Treasurer of Said City.

"Countersigned ----------
"City Clerk of Said City."

The interest coupons attached to said bonds shall be substantially in the following form and language:

"Municipal Improvement Fund No. 5.

"$25.00. Bond No. ------. Coupon No. ------.

"The City of Stockton will pay to bearer at the office of its City Treasurer in said city on the tenth day of ----------, ------, $25.00, gold coin of the United States, for interest on the bond aforesaid.

"----------,
"Treasurer of Said City."

Sec. 6. The Mayor, Treasurer and City Clerk of the City of Stockton are hereby authorized and directed to sign and execute all said bonds as of date of September 10th, 1891, and the said Treasurer to sign all said interest coupons in substantially the manner and form prescribed in Section 5 of this Ordinance, and the acts of each of them in so doing are hereby declared and shall be construed to be both for his official self and for the said City of Stockton. The Committee on Printing of said City Council is hereby authorized and directed to supervise the printing and execution of said bonds and coupons.

Sec. 7. Said bonds or any portion of them may be sold by said City Council at not less than their par value and at either private or public sale without further notice. The proceeds of the sale of said bonds or any of them shall be placed in the treasury of said city to the credit of a fund which is designated and shall be known as Municipal Improvement Fund No. 5.

Sec. 8. From and out of the separate fund designated and provided by and in Section 161 of the present Charter of the City of Stockton, which said fund is by the terms of said section to be devoted exclusively to the dredging of channels, the building and repairing of wharves and bulkheads, and generally to the improvement of the wharves, levees and water-front, is hereby and shall be set apart the amount sufficient to pay the principal and interest of said bonds as the same shall become due, to-wit, for the year beginning

January 1, 1891, the sum of	$4,000
January 1, 1892, the sum of	3,900
January 1, 1893, the sum of	3,800
January 1, 1894, the sum of	3,700
January 1, 1895, the sum of	3,600
January 1, 1896, the sum of	3,500
January 1, 1897, the sum of	3,400
January 1, 1898, the sum of	3,300
January 1, 1899, the sum of	3,200
January 1, 1900, the sum of	3,100
January 1, 1901, the sum of	3,000
January 1, 1902, the sum of	2,900
January 1, 1903, the sum of	2,800
January 1, 1904, the sum of	2,700

January 1, 1905, the sum of..... 2,600
January 1, 1906, the sum of..... 2,500
January 1, 1907, the sum of..... 2,400
January 1, 1908, the sum of..... 2,300
January 1, 1909, the sum of..... 2,200
January 1, 1910, the sum of..... 2,100

And the fund or funds so derived and set apart shall be the primary fund or funds for the payment of the principal and interest of said bonds, and said principal and interest shall and must be paid from the same exclusively, save and except as provided as follows:

But in case there shall arise an actual or probable insufficiency in the fund or funds so as aforesaid provided, designated and derived, to pay the principal or interest of said bonds or indebtedness as it falls due and within twenty years from the time of contracting such indebtedness, there shall be levied and collected by the municipal authorities of the said City of Stockton, at the time of the levy and collection of other city taxes and in addition to all other taxes levied for city purposes, a special tax sufficient to pay and with which shall be paid annually one-twentieth part of the amount of the indebtedness evidenced by said bonds.

The moneys so as aforesaid derived or collected whether from said Charter fund or from said special tax shall constitute a sinking fund for the payment of the principal amount of said indebtedness within twenty years from the time of contracting the same and so that said indebtedness may be wholly paid on or before the tenth day September, 1911. Said taxes, if any, and, also, the proceeds of said Charter fund so as aforesaid set apart, shall be deposited in the treasury of said city to the credit of said Municipal Improvement Fund No. 5 and be applied exclusively and solely to the payment of the principal and interest of said bonds as the same fall due.

Sec. 9. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 261.

(Approved June 13, 1900.)

Providing for the Issue, Sale and Redemption of Bonds of the City of Stockton in Accordance With the Result of the Special Election Held in Said City on the Second Day of May, 1900.

Whereas, At a special election held in the City of Stockton on the second day of May, 1900, pursuant to the laws of the State of California, and in accordance with Ordinance No. 252 of said city, the said city has been authorized to incur an indebtedness of fifty-two thousand ($52,000) dollars for the purposes hereinafter set forth, and to issue bonds to the amount of said indebtedness; now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton shall incur an indebtedness of fifty-two thousand ($52,000) dollars for the following purposes and for the following amounts for each of said purposes, to-wit:

First—Twenty-two thousand ($22,000) dollars for the construction, completion and maintenance by said City of Stockton of an outfall sewer from the west end of the iron pipe now in use in the present outfall sewer to the San Joaquin river.

Second—Thirty thousand ($30,000) dollars for the construction, completion and maintenance by said City of Stockton of a system of rainwater sewers in the several parts of the city wherever necessary.

Sec 2. Bonds of said city, evidencing the said indebtedness, shall be issued in the amount of fifty-two thousand ($52,000) dollars of the number, denomination and character hereinafter designated.

Sec. 3. Said bonds shall be of the kind known as serials, and for the first purpose above named there shall be issued forty (40) bonds, each for five hundred and fifty ($550.00) dollars, and bearing interest coupons each for eleven ($11.00) dollars. Said forty bonds shall be numbered consecutively from one to forty, inclusive, and be divided into forty series, which shall be numbered from one to forty, inclusive. Series one shall include the bond numbered one, and each succeeding series shall include the bond which is numbered consecutively next after the bond included in the preceding series.

The proceeds of the sale of these said forty bonds shall be placed in the treasury of the said city to the credit of a fund to be known as Municipal Improvement Fund No. 6.

For the second purpose above named there shall be issued forty (40) bonds, each for seven hundred and fifty ($750.00) dollars, and bearing interest coupons each for fifteen ($15.00) dollars; said forty bonds last named shall be numbered consecutively from one to forty, inclusive, and be divided into forty series, which shall be numbered from one to forty, inclusive. Series one shall include the bond numbered one, and each succeeding series shall include the bond which is numbered consecutively next after the bond included in the preceding series.

The proceeds of the sale of these said forty bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund No. 7.

Sec. 4. One-fortieth (1-40) part in amount of the bonds evidencing said indebtedness for each of the two purposes above named, objects or funds aforesaid, shall be payable on the tenth day of September of each year until said indebtedness for that purpose, object or fund shall have been paid, and interest upon all unpaid amounts at the rate of 4 per cent per annum, payable semi-annually on the tenth day of March and the tenth day of September of each year. Each of the interest coupons above mentioned shall represent six months' interest, to be payable to bearer at the office of the City Treasurer of said city; and the number of coupons attached to each bond shall be equal to at least twice the number of years the bond has to run before due.

Sec. 5. The form and language of all said bonds shall be substantially as follows:

"State of California. United States of America. Bond of the City of Stockton.

"Bond No. ------. Series No ------. $--------.

"Municipal Improvement Fund No. ------.

"The City of Stockton, a municipal corporation in the County of San Joaquin, State of California, owes and agrees for value received to pay to ----------, or order, at the office of its City Treasurer in said city, on the tenth day of September, A. D. ------, the sum of ---------- dollars, gold coin of the United States of America, with interest thereon in like gold coin at the rate of 4 per cent per annum, payable semi-annually on the tenth day of March and the tenth day of September of each calendar year from date hereof, at said office of the City Treasurer of said city on presentation and surrender of the proper interest coupon hereto attached. These bonds cease to bear interest when due unless presented for payment.

"This bond, and the series to which it belongs, are issued by the City Council of the City of Stockton under and in pursuance of and in conformity with an Act of the Legislature of the State of California entitled 'An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State, for the construction of water works, sewers and all necessary public improvements, and to repeal the Act approved March 9th, 1885, entitled "An Act to authorize municipal corporations of the fifth class containing more than 3,000 and less than 10,000 inhabitants, to obtain water works;" also to repeal an Act approved March 15th, 1887, entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations incorporated under the laws of this State," approved March 19th, 1889, as amended March 11th and 19th, 1891, and March 1st, 1893.'

"And it is hereby certified and declared that this bond is issued in pursuance of and in conformity with the Constitution of the State of California and the Charter and Ordinances of the said City of Stockton; and in pursuance of and in conformity with a vote of more than two-thirds of all the qualified electors of said City of Stockton voting at a special election duly and regularly called and held in said city, as provided in said Act, on the second day of May, 1900, notice thereof having been duly and regularly given and published in the manner and for the period required by law, and after the result of said election had been canvassed and declared and entered in the manner and as required by law.

"It is further certified and declared that all the provisions and requirements of the Constitution of the State of California, and of the laws of the State of California, and of the Charter and Ordinances of the said City of Stockton, have been duly, regularly and fully complied with by the proper officers in the issuing of this bond, and that the total indebtedness of said City of Stockton, including the indebtedness evidenced by this issue of bonds, does not exceed the limit prescribed by the Constitution and laws of the State of California.

"In witness whereof the City of Stockton, by its Mayor and City Council, has caused and authorized its Mayor to sign hereto the name of said city, its City Treasurer to sign his own name thereto, and its City Clerk to countersign the same and affix the corporate seal of the said City of Stockton on this tenth day of September, 1900.

"THE CITY OF STOCKTON.

[Seal of the City of Stockton.]

"By ----------,
"Mayor of Said City.

----------,
"City Treasurer of Said City.

"Countersigned. ----------,
"City Clerk of Said City."

The interest coupons attached to said bonds shall be substantially in the following form and language:

"Municipal Improvement Fund No. -------

"$--------. Bond No. -------. Coupon No. ------

"The City of Stockton will pay to bearer at the office of its City Treasurer, in said city, on the tenth day of --------, ---------- dollars in gold coin of the United States for interest on the bond aforesaid.

----------,
"Treasurer of Said City."

Sec. 6. The Mayor, Treasurer and City Clerk of the City of Stockton are hereby authorized and directed to sign and execute all

said bonds as of the date of September 10th, 1900, and the said Treasurer to sign all said interest coupons in substantially the manner and form prescribed in Section 5 of this Ordinance.

And the acts of each of them in so doing are hereby declared and shall be construed to be both for his official self and for the said City of Stockton. The Committee on Printing of said City Council is hereby authorized and directed to supervise the printing and execution of said bonds and coupons.

Sec. 7. Said bonds, or any portion of them, may be sold by said City Council at not less than their par value, and at either private or public sale, without further notice. The proceeds of the sale of said bonds, or any of them, shall be placed in the treasury of said city, to the credit of the funds hereby designated and to be known as Municipal Improvement Funds Nos. 6 and 7.

Sec. 8. There shall be levied and collected annually for the term of forty years by the municipal authorities of said City of Stockton at the time of the levy and collection of other city taxes, and in addition to all other taxes levied for city purposes, a special tax sufficient to pay, and with which shall be paid one-fortieth (1-40) part of the aggregate amount of the said indebtedness so incurred for each of the purposes and objects aforesaid. The money so collected shall constitute a sinking fund for the payment of the principal amount of said indebtedness within forty years from the time of contracting the same, and so that said indebtedness may be wholly paid on or before the tenth day of September, A. D. 1940. The taxes so collected shall be deposited in the treasury of said city to the credit of Municipal Improvement Funds Nos. 6 and 7, respectively, and shall be applied solely to the payment of the principal and interest of said bonds as the same fall due.

Sec. 9. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 426.

(Approved September 19, 1906.) O. B. 7—110.

Providing for the Issue, Sale and Redemption of Bonds of the City of Stockton in the Amount of Forty Thousand Dollars ($40,000), for the Acquisition, Construction and Completion by Said City of Certain Municipal Improvements in Accordance With the Result of the Special Election Held in Said City on the Thirty-First Day of July, 1906.

Whereas, Proper steps have heretofore been taken by the City Council of the City of Stockton, complying with the requirements of the Act of the Legislature of the State of California, which became a law under constitutional provision, without the Governor's approval, February 25th, 1901, authorizing the incurring of indebtedness by cities for public improvements, and complying with the Charter and Ordinances of the City of Stockton; and,

Whereas, At a special election held in the City of Stockton on the thirty-first day of July, 1906, pursuant to the laws of the State of California, and in accordance with Ordinance No. 419 of said city, the said city has been authorized to incur an indebtedness of forty

thousand dollars ($40.000) for the purposes hereinafter set forth, and to issue bonds to the amount of said indebtedness;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. That bonds of the City of Stockton in the amount of forty thousand dollars ($40,000) be issued in accordance with the provisions of the Act of the Legislature of the State of California, which became a law under constitutional provision, without the Governor's approval, February 25th, 1901, and in accordance with the Charter and Ordinances of the said City of Stockton, and the laws of this State, for the following amounts and for the following purposes, to-wit:

First—Thirty thousand dollars ($30,000) for the construction of rainwater sewers in the several parts of the city wherever necessary.

Second—Ten thousand dollars ($10,000) for the construction of sanitary sewers in the several parts of the city wherever necessary.

Sec. 2. Bonds of said city, evidencing the said indebtedness, shall be issued in the amount of forty thousand dollars ($40,000), of the number, denomination and character herein designated.

Sec. 3. Said bonds shall be of a kind known as serials, and for the first purpose above named there shall be issued forty (40) bonds, each for seven hundred and fifty dollars ($750.00), and bearing interest coupons each for fifteen dollars ($15.00). Said forty (40) bonds shall be numbered consecutively from one to forty, inclusive, and be divided into forty (40) series, which shall be numbered from one to forty, inclusive. Series one shall include the bond numbered one, and each succeeding series shall include the bond which is numbered consecutively next after the bond included in the preceding series. The proceeds of the sale of these said forty (40) bonds shall be placed in the treasury of the said city to the credit of a fund to be known as Municipal Improvement Fund number eight (8).

For the second purpose above named there shall be issued forty (40) bonds each for two hundred and fifty dollars ($250.00), and bearing interest coupons each for five dollars ($5.00); said forty (40) bonds shall be numbered consecutively from one to forty, inclusive, and be divided into forty (40) series, which shall be numbered from one to forty, inclusive. Series one shall include the bond numbered one, and each succeeding series shall include the bond which is numbered consecutively next after the bond included in the preceding series. The proceeds of the sale of these forty (40) bonds shall be placed in the treasury of said city to the credit of a fund to be known as Municipal Improvement Fund number nine (9).

Sec. 4. One-fortieth (1-40) part in amount of the bonds evidencing said indebtedness for the two purposes above named shall be payable on the first day of November of each year until said indebtedness for that purpose, object or funds shall have been paid, and interest upon all unpaid amounts at the rate of 4 per cent per annum, payable semi-annually on the first day of May and the first day of November of each year. Each of the interest coupons above mentioned shall represent six months' interest, to be payable to bearer at the office of the City Treasurer of said city, and the number of the coupons attached to each bond shall be equal to at least twice the number of years the bond has to run before due.

Sec. 5. The form and language of all said bonds shall be substantially as follows:

"State of California, United States of America. Bond of the City of Stockton.

"Bonds No. ------. Series No. ------.

"On the first day of November, A. D. 1906, the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, will pay to bearer, at the office of the City Treasurer of the said City of Stockton, the sum of ---------- dollars ($----------), with interest thereon from date at the rate of 4 per cent per annum, payable semi-annually on the first day of May and the first day of November of each calendar year from date hereof, at the office of the City Treasurer of the said City of Stockton, on presentation and surrender of the proper interest coupon hereto attached. Principal and interest payable in gold coin of the United States.

"This bond and the series to which it belongs are issued by the City Council of the City of Stockton under and in pursuance of and in conformity with an Act of the Legislature of the State of California, which became a law under constitutional provision, without the Governor's approval, February 25, 1901, authorizing and incurring indebtedness by cities for the construction of public improvements.

"And it is hereby certified and declared that all of the requirements of law and of the City Charter and Ordinances of the City of Stockton have been fully complied with by the proper officers in the issuing of this bond; that this issue of bonds has been authorized by a vote of more than two-thirds of the duly qualified electors of said city, voting on the question of the issuance of this bond at a special election duly and regularly called and held in said City of Stockton on Tuesday, the thirty-first day of July, 1906, notice thereof having been duly and regularly given and published in the manner and for a period required by law, and after the result of said election had been canvassed and declared and entered in the manner and as required by law.

"It is further certified and declared that all the provisions and requirements of the Constitution of the State of California, and of the Charter and Ordinances of the said City of Stockton, have been duly, regularly and fully complied with by proper officers in the issuing of this bond, and that the total indebtedness of the said City of Stockton, including the indebtedness evidenced by this issue of bonds, does not exceed the limit prescribed by the Constitution and laws of the State of California.

"In witness whereof the City of Stockton, by its Mayor and City Council, has caused and authorized its Mayor to sign hereto the name of the said city, its City Treasurer to sign his own name thereto, and its City Clerk to countersign the same and affix the corporate seal of the said City of Stockton on this first day of November, 1906.

"THE CITY OF STOCKTON.

"By ----------,
"Mayor of Said City.

----------,
"City Treasurer of Said City.

"Countersigned. ----------,
"City Clerk of Said City."

The interest coupons attached to said bond shall be substantially in the following form:

"Municipal Improvement Fund No. ------.

"$---------- Bond No. ------. Coupon No. ------.

"The City of Stockton will pay to bearer, at the office of its City Treasurer in said city, on the ---------- day of ----------, ---------- dollars, gold coin of the United States, for interest on the bond aforesaid. ----------,

"Treasurer of Said City."

Sec. 6. The Mayor, Treasurer and City Clerk of the City of Stockton are hereby authorized and directed to sign and execute all of said bonds, and the City Treasurer to sign all said interest coupons in substantially the manner and form prescribed in Section 5 of this Ordinance, and the acts of each of them in so doing are hereby declared and shall be considered to be both for his official self and for the said City of Stockton. The committee of said City Council is hereby authorized and directed to supervise the printing and execution of said bonds and coupons.

Sec. 7. Said bonds, or any portion of them, may be sold by said City Council at not less than their par value, and at either public or private sale, without further notice. The proceeds of the sale of the said bonds, or any of them, shall be placed in the treasury of said city, to the credit of the funds hereby designated and to be known as Municipal Improvement Funds Nos. 8 and 9, in the following amounts: Thirty thousand dollars ($30,000) in Fund number eight (8), and ten thousand dollars ($10,000) in Fund number nine (9).

Sec. 8. There shall be levied and collected annually for the term of forty years by the municipal authorities of said City of Stockton, at the time of the levy and collection of other city taxes, and in addition to all other taxes levied for city purposes, a special tax sufficient to pay, and with which shall be paid, one-fortieth (1-40) part of the aggregate amount of said indebtedness so incurred for the purposes and objects aforesaid. The money so collected shall constitute a sinking fund for the payment of the principal amount of said indebtedness within forty years from the time of contracting the same, so that said indebtedness may be wholly paid on or before the first day of November, A. D. 1946. The taxes so collected shall be deposited in the treasury of said city to the credit of Municipal Improvement Funds numbers eight (8) and nine (9), respectively, and shall be applied solely to the payment of the principal and interest of said bonds as the same fall due.

Sec. 9. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 434.

(Approved December 24, 1906.) O. B. 7—127.

An Ordinance Providing for the Issuance, Sale and Redemption of Bonds of the City of Stockton, in the Amount of One Hundred and Eighty-Seven Thousand ($187,000) Dollars, for the Acquisition, Construction and Completion by Said City of Certain Municipal Improvements Necessary and Convenient to Carry Out the Objects, Purposes and Powers of the Municipality, Namely, the Paving With Asphaltum of Certain Improved Streets in Said City Set Forth in This Ordinance, in Accordance With the Result of the Special Election Held in Said City on Thursday, the Eighth Day of November, 1906.

Whereas, Proper steps have heretofore been taken by the City Council of the City of Stockton complying in every respect with the

requirements of the Act of the Legislature of the State of California, which became a law under constitutional provision, without the Governor's approval, February 21st, 1901, and with the Charter and Ordinances of the City of Stockton, and with the Constitution and laws of the State of California, authorizing the incurring of indebtedness by cities for municipal improvements; and,

Whereas, The question of incurring an indebtedness of one hundred and eighty-seven thousand ($187,000) dollars, and issuing bonds therefor for the purpose of the acquisition, construction and completion by the City of Stockton of certain municipal improvements to-wit: The paving with asphaltum of the following improved streets in the City of Stockton: El Dorado street, from Weber avenue to North street; California street, from Main street to North street; Main street intersections, from El Dorado to and including Sacramento street; Main street, from Sacramento to East street; Market street, from Center street to East street; San Joaquin street, from Main street to Taylor street; Center street, from Weber avenue to Hazelton avenue; Center street, from Scott's avenue to South street, and Channel street, from El Dorado street to American street, has been regularly and legally submitted to the qualified electors of said city at a special election held therefor, and for that purpose only; and,

Whereas, More than two-thirds of the votes cast at such special election were cast in favor of incurring said indebtedness and of issuing bonds therefor;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton shall incur an indebtedness of one hundred and eighty-seven thousand ($187,000) dollars for the purpose hereinbefore specified, and bonds of said city evidencing such indebtedness shall be issued to said amount of the number, denomination and character hereinafter specified.

Sec. 2. That bonds of the City of Stockton in the amount of one hundred and eighty-seven thousand ($187,000) dollars be issued in accordance with the provisions of the Act of the Legislature of the State of California, which became a law under constitutional provision, without the Governor's approval, February 25th, 1901, and is entitled "An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof," and in accordance with the Constitution of the State of California, the Charter and Ordinances of the City of Stockton, and the laws of this State; there shall be issued for said purpose one hundred and sixty (160) bonds, each for one thousand ($1,000) dollars, and bearing interest coupons, each for twenty-five ($25.00) dollars, and forty (40) bonds, each for six hundred and seventy-five ($675.00) dollars, and bearing interest coupons, each for sixteen and 87½-100 ($16.87½) dollars; said two hundred bonds shall be numbered consecutively from one to two hundred, inclusive, and every fifth bond shall be of the denomination of six hundred and seventy-five ($675.00) dollars.

Said bonds shall be divided into forty (40) series, numbered from one to forty, inclusive. Series one shall include the bonds numbered from one to five, inclusive, and each succeeding series shall include the five bonds which are numbered consecutively next after those included in the preceding series.

Sec. 3. Said bonds shall be substantially in the following form, to-wit:

"State of California, United States of America.

"Bond of the City of Stockton.

"Bond No. ---------. Series No. -------. $----------.

"Municipal Improvement Fund No. Ten.

"Asphaltum Street Bond.

"On the first day of February, A. D. ------, the City of Stockton, a municipal corporation in the County of San Joaquin, State of California, will pay to bearer at the office of the City Treasurer of the said City of Stockton the sum of ---------- dollars, with interest thereon from date of this bond at the rate of 5 per cent per annum, payable semi-annually on the first day of February and the first day of August, at the office of the City Treasurer of said City of Stockton, upon the presentation and surrender of the proper interest coupon hereto attached. This bond ceases to bear interest when due unless presented for payment. Principal and interest payable in gold coin of the United States of America.

"This bond and the series to which it belongs are issued by the City Council of the City of Stockton under the provisions of an Act of the Legislature of the State of California entitled 'An Act authorizing the incurring of indebtedness by cities, towns and municipal corporations for municipal improvements, and regulating the acquisition, construction or completion thereof,' which became a law under constitutional provision, without the Governor's approval, February 25th, 1901. And it is hereby certified and declared that all of the requirements of the Constitution and laws of the State of California, and of the City Charter and Ordinances of the City of Stockton, have been fully complied with by the proper officers in the issuance of this bond; that this issue of bonds has been authorized by a vote of more than two-thirds of the duly qualified electors of said city voting on the question of such issue at a special election duly and regularly called and held in said City of Stockton on Thursday, the eighth day of November, 1906, for that purpose only; and that the result of said election has been duly and legally canvassed and declared as required by law, and that the total amount of the indebtedness of said City of Stockton incurred for public improvements, including the amount incurred by this issue of bonds, does not exceed the limit prescribed for the issuance of bonds of municipalities for public improvements by the Constitution and laws of the State of California.

"In witness whereof the said City of Stockton, by its Mayor and City Council, has caused and authorized its Mayor to sign hereto the name of said city, its Treasurer to sign his own name thereto, and its City Clerk to countersign the same and affix the corporate seal of said City of Stockton on this the first day of February, 1907.

"THE CITY OF STOCKTON.

"By ----------,
"As Mayor of the Said City.

"By ----------,
"As City Treasurer.

"Countersigned by ----------,
"As City Clerk of Said City."

The interest coupons attached to said bonds shall be substantially in the following form:

"Municipal Improvement Fund No. Ten.

"$_____ Bond No. _____ Coupon No. _____

"On the first day of _____, A. D. _____, the City of Stockton promises to pay to bearer, at the office of the City Treasurer of said City of Stockton, the sum of _____ dollars, in gold coin of the United States of America, for semi-annual interest due on the bond aforesaid.

"_____

"As Treasurer of Said City."

Sec. 4. All of said bonds shall be dated February 1st, 1907, and shall bear interest at the rate of 5 per cent per annum, payable semi-annually on the first day of February and the first day of August, after their issue, both principal and interest payable in gold coin of the United States at the office of the City Treasurer of said city. Interest coupons payable to bearer shall be attached to said bonds.

One-fortieth (1-40) part of the principal of said indebtedness, together with the interest due on all sums unpaid at that date, shall be paid each year; and there shall be levied and collected annually for the term of forty years by the municipal authorities of said City of Stockton at the time of the levy and collection of other city taxes, but in addition to all other taxes levied for city purposes, a special tax sufficient to pay, and with which shall be paid, one-fortieth part of the aggregate amount of the said indebtedness so incurred for the purposes aforesaid. The money so collected shall constitute a sinking fund for the payment of the principal amount of said indebtedness within forty years from the time of contracting the same, and so that the said indebtedness, both principal and interest, may be wholly paid on or before the first day of February, A. D. 1947.

The taxes so collected shall be deposited in the treasury of said city to the credit of Municipal Improvement Fund No. 10, and shall be applied wholly to the payment of the principal and interest of said bonds as the same fall due.

Sec. 5. The Mayor, Treasurer and City Clerk of the City of Stockton are hereby authorized and directed to sign and execute all of said bonds as of date, February 1st, 1907, and the City Treasurer shall sign all of said interest coupons in substantially the manner and form prescribed in Section 3 of this Ordinance. And the acts of each of them in so doing shall be declared and shall be construed to be both for his official self and for the said City of Stockton. The Committee on Printing of this City Council is hereby authorized and directed to supervise the printing and execution of the said bonds and coupons.

Sec. 6. Said bonds or any portion of them may be sold by said City Council at not less than their par value, and at either private or public sale, without further notice. The proceeds of the sale of said bonds, or any of them, shall be placed in the treasury of said City of Stockton to the credit of the fund hereby designated and to be known as Municipal Improvement Fund No. 10.

Sec. 7. This Ordinance shall take effect from and after its final passage and approval.

MISCELLANEOUS.

ORDINANCE No. 22.

Prescribing the Rates of Fare That May Lawfully Be Charged by Hackmen and Others.

(Being originally No. 81, approved December 14, 1878.)

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. The rate of fare for carriages, hacks or cabs shall not exceed the following rates, which shall include one hundred pounds of baggage for each person:

For one person, one mile or less, $1.00.

For two or more persons, one mile or less, $2.00.

For each additional mile, for each passenger, 50 cents.

For four persons or less, when engaged by the hour, including detention, $3.00.

For each subsequent hour, $2.00.

Thirteen blocks shall, in computing the distance, be considered as one mile.

Omnibuses, stages, express wagons and other vehicles shall be allowed to charge and receive not more than one-third of the above rates.

Sec. 2. With each license the City Collector shall deliver a number and keep a record thereof, which said number shall be placed in a conspicuous place on each vehicle so licensed, in addition to which each vehicle used for passengers shall keep conspicuously inside such vehicle a printed copy of the rates authorized by this Ordiance.

ORDINANCE No. 466.

(Approved April 6, 1908.) O. B. 7—189.

Fixing Water Rates That May Be Charged by Any Person, Company or Corporation in This State for the Use of Water Supplied to the City of Stockton, or the Inhabitants Thereof, for the Year Commencing July 1st, 1908.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That the rates of compensation that may be collected by any person, company or corporation in this State for the use of water supplied to the City of Stockton, or the inhabitants thereof, for the year commencing on the first day of July, 1908, are hereby established as follows:

1. For every tenement and dwelling-house, if not exceeding three living-rooms, occupied by a single family, forty (40) cents per month.

2. For every tenement and dwelling-house, if not exceeding four living-rooms, occupied by a single family, fifty (50) cents per month.

3. For every tenement and dwelling-house, if not exceeding five living-rooms, occupied by a single family, sixty (60) cents per month.

4. For every tenement and dwelling-house, if not exceeding six living-rooms, occupied by a single family, seventy (70) cents per month.

5. For every tenement and dwelling-house, if not exceeding seven living-rooms, occupied by a single family, eighty (80) cents per month.

6. For every tenement and dwelling-house, if not exceeding eight living-rooms, occupied by a single family, ninety (90) cents per month.

7. For every tenement and dwelling-house of over eight rooms, occupied by a single family, for each additional room, ten (10) cents per month.

8. For small families, occupying rooms on upper stories or floors, fifty (50) cents per month.

9. For lodging-houses, in addition to family rates, for each bed, ten (10) cents per month.

10. For private boarding-houses, in addition to family rates, for each bed, ten (10) cents per month.

11. For hotels, in addition to family rates, for each bed under fifty, ten (10) cents per month; for each bed over fifty, five (5) cents per month.

12. For restaurants and eating-houses, one ($1.00) dollar to two and a half ($2.50) dollars per month.

13. For saloons and sample-rooms, one and a half ($1.50) dollars per month.

14. For wholesale liquor-houses, two ($2.00) dollars per month.

15. For small stores, fifty (50) cents per month.

16. For large stores and warehouses, one ($1.00) dollar per month.

17. For rooms (offices) on ground floor, fifty (50) cents per month.

18. For rooms and offices on upper floor, fifty (50) cents per month.

19. For photograph galleries, three ($3.00) dollars per month.

20. For drug stores, one and a half ($1.50) dollars per month.

21. For fountains in drug stores, or elsewhere, one and a half ($1.50) dollars per month.

22. For blacksmith, wagon or horseshoeing shops with one fire, seventy-five (75) cents per month.

23. For each additional fire, twenty-five (25) cents per month.

24. For bakeries, one and a half ($1.50) dollars per month.

25. For dentists' offices, one ($1.00) dollar per month.

26. For banks, churches, halls, private schools, etc., water for ordinary purposes, one ($1.00) dollar per month.

27. For printing offices, one ($1.00) dollar per month.

28. For telegraph offices, one ($1.00) dollar per month.

29. For telephone offices, one and a half ($1.50) dollars per month.

30. For public water troughs, two ($2.00) dollars per month.

31. For barber shops, where one chair is used, seventy-five (75) cents per month.

32. For each additional chair, twenty-five (25) cents per month.

33. For livery and feed stables, if not more than ten stalls, including water for washing vehicles, two and a half ($2.50) dollars per month.

34. For each additional stall, over ten and not to exceed fifty, fifteen (15) cents per month.

35. For each stall over fifty, five (5) cents per month.

36. For hack stables, for each hack and two horses, one and a half ($1.50) dollars per month.

37. For each additional horse, twenty-five (25) cents per month.

38. For private stables with one horse and carriage, when taken with water for family use, twenty-five (25) cents per month, and automobiles fifty (50) cents per month.

39. When not taken with water for family use, seventy-five (75) cents per month.

40. For each additional horse or for a cow, fifteen (15) cents per month.

41. For plasterers, for each barrel of lime or cement, ten (10) cents per barrel; for concrete work, for each barrel of cement, ten (10) cents per barrel.

42. For water used to make mortar or for dampening bricks, for each 1,000 bricks, ten (10) cents per thousand.

43. For each water closet used in private families, when taken with water for family use, fifteen (15) cents per month.

44. When not taken with water for family use, only one closet, fifty (50) cents per month.

45. For each additional closet, when not taken with water for family use, twenty-five (25) cents per month.

46. For water closets used in hotels, boarding and lodging-houses, private schools, saloons, barber shops and business blocks, where only one is used, one ($1.00) dollar per month.

47. For each additional closet, twenty-five (25) cents per month.

48. For water closets used in stores, offices, churches, halls, etc., under public or private control, where only one is used, fifty (50) cents per month.

49. For each additional closet, twenty-five (25) cents per month.

50. For public urinals, where used in places as per subdivision 46, fifty (50) cents per month.

51. For urinals, where used in places as per subdivision 48, fifteen (15) cents per month.

52. For each bathtub used in private families, when taken with water for family use, fifteen (15) cents per month.

53. When not taken with water for family use, fifty (50) cents per month.

54. For public bathtubs used in bathing establishments, boarding-houses and lodging-houses, hotels and barber shops, where only one is used, one ($1.00) dollar per month.

55. For each additional tub, fifty (50) cents per month.

56. For irrigation or sprinkling lawns, flowers, shrubbery or grass plats, including walks and terraces, but excluding streets, sidewalks and driveways, when taken continuously with water for family use, for each square yard, $0.0025 per month.

57. When not taken continuously with water for family use, $0.006 for each square yard per month.

58. When not taken continuously, and without water for family use, $0.01 for each square yard per month.

59. Laundries and Chinese wash-houses and all consumers of large quantities of water not scheduled, shall be governed by the following meter rates:

RATES OF WATER MEASURED BY METER OR OTHERWISE.

60. For large quantities of water where the quantity does not exceed 20,000 gallons per month, there may be charged for each 1000 gallons, to be ascertained by meter or otherwise, twenty-five (25) cents per month.

61. For quantities from 20,000 to 50,000 gallons, for each 1,000 gallons in excess of 20,000, fifteen (15) cents per month.

62. For quantities from 50,000 to 1,000,000 gallons, for each 1,000 gallons in excess of 50,000, ten (10) cents per month.

63. For quantities of more than 1,000,000 gallons per month, for each 1,000 gallons, ten (10) cents per month.

64. The minimum meter rate for meter consumers is hereby fixed at one ($1.00) dollar per month.

Sec. 2. Water supplied for the Free Public Library, the public schools, engine-houses, streets, sewers, squares and wharves of the City of Stockton shall be included in estimating the number of gallons of water supplied to said city per month under this Ordinance. Water supplied for city fire hydrants shall not be included in estimating the number of gallons of water supplied to the city per month under this Ordinance, but the city shall pay the sum of one ($1.00) dollar per hydrant per month for water furnished for fire purposes to said city.

Sec. 3. The person taking water, or the company or corporation supplying water as hereinbefore provided, shall have the power in all cases to ascertain by meter the quantity of water used, and to pay or collect the compensation provided in subdivisions 60 to 63, inclusive, of Section 1; provided, that where the owner demands the meter he shall pay for the same and where the company or corporation puts in the meter it shall pay for the same.

Sec. 4. This Ordinance shall take effect from and after July 1st, 1908.

ORDINANCE No. 444.

(Approved May 15, 1907.) O. B. 7—154.

An Ordinance Fixing the Minimum Standard Quality and Illuminating Power of Manufactured Gas, and Fixing the Maximum Rate of Compensation to Be Charged by Any Person, Company or Corporation Supplying Gas or Electricity for Light or Other Purposes to the City of Stockton and to the Inhabitants Thereof From July 1st, 1907, to June 30th, 1908, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The minimum standard quality and illuminating power of manufactured gas to be furnished by any person or persons, firm, company, association or corporation, to be used in the City of Stockton for any and all illuminating purposes shall be, and is hereby established at nineteen (19) candles; said candle-power and heat units to be determined by the City Council of the City of Stockton.

Sec. 2. That for the period commencing on the first day of July, 1907, and ending on the thirtieth day of June, 1908, the maximum rate of compensation which any person or persons, firm, company, association or corporation may charge, collect or receive for furnishing, distributing or delivering manufactured gas to the City of Stockton or the inhabitants thereof for illuminating, heating and all other purposes, is hereby fixed and established at the rate or price of one dollar and twenty-five cents ($1.25) for each one thousand (1,000) cubic feet of manufactured gas, and in this proportion for each fractional part thereof; provided, that the minimum price for such furnishing of manufactured gas for any one month shall be fifty (50) cents.

Sec. 3. That for the period commencing on the first day of July, 1907, and ending on the thirtieth day of June, 1908, the maximum rate of compensation which any person or persons, firm, company, association or corporation may charge, collect or receive for furnishing, distributing or delivering natural gas to the City of Stockton, or to the inhabitants thereof for illuminating, heating and all other purposes, is hereby fixed and established at the rate or price of ninety

(90) cents for each one thousand (1,000) cubic feet of natural gas, and in this proportion for each fractional part thereof; provided, that the minimum price for such furnishing of natural gas for any one month shall be fifty (50) cents.

Sec. 4. That for the period commencing on the first day of July, 1907, and ending on the thirtieth day of June, 1908, the maximum rate of compensation which any person or persons, firm, company, association or corporation may charge, collect or receive for furnishing, distributing or delivering electric light or electric current to the City of Stockton or to the inhabitants thereof for illuminating purposes only, is hereby fixed and established at the rate or price of seven (7) cents per kilowatt hour for electric current furnished for illuminating purposes; provided, that the minimum rate for such furnishing of electric current for illuminating purposes only for any one month shall be one dollar and fifty cents ($1.50).

Sec. 5. That for the period commencing on the first day of July, 1907, and ending on the thirtieth day of June, 1908, the maximum rate of compensation which any person or persons, firm, company, association or corporation may charge, collect or receive for furnishing or distributing or delivering electric current to the City of Stockton or to the inhabitants thereof for power and all purposes other than illuminating purposes, is hereby fixed and established at the rate or price of four (4) cents per kilowatt hour for electric current furnished for power and all other than illuminating purposes.

Sec. 6. The maximum rate or price in this Ordinance specified shall be the minimum rate or price for the furnishing, distributing or delivery of said natural or manufactured gas and of said electric current, and shall be deemed compensation for and shall include all rentals, interest, labor, uses or services of whatever kind employed in the manufacture, furnishing, distributing or delivery of said natural or manufactured gas or of said electricity or electric current, by whatever means, including the use of meters.

Sec. 7. Any person, firm or corporation engaged in the business of supplying natural or manufactured gas, or both, or electric light or electric current for lighting or other purposes to the City of Stockton or to its inhabitants, or any officer, agent, collector or employe of such person, firm or corporation, who shall charge, demand, collect or receive any rate or compensation for natural or manufactured gas or for electric light or for electric current for lighting or other purposes, supplied during the year commencing July 1st, 1907, and ending June 30th, 1908, to the City of Stockton or to any of the inhabitants thereof, in excess of the rate fixed by this Ordinance, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not to exceed one hundred and fifty dollars ($150), or by imprisonment in the County Jail of the County of San Joaquin or the City Prison of the City of Stockton, for a period not to exceed one hundred and fifty (150) days, or by both such fine and imprisonment, or by such fine, with the alternative on default of the payment thereof, of such imprisonment at the rate of one (1) day for each dollar of fine imposed.

Sec. 8. It shall be a violation of the provisions of this Ordinance if the minimum standard quality and illuminating power of manufactured gas used for illuminating purposes shall be less than the candlepower above described, to furnish, distribute or deliver such gas at the rates or prices above specified, and any person, firm or corporation, or any officer, agent, collector or employe of such person, firm or cor-

poration who shall furnish, distribute or deliver such gas at the rates or prices above specified, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable as provided in Section 7 of this Ordinance.

Sec. 9. This Ordinance shall take effect from and after July 1st, 1907.

ORDINANCE No. 217.

(Approved May 11, 1898.)

Providing for the Exhumation and Removal of Human Remains From Cemeteries Within the Limits of the City of Stockton in Which No Interments of Human Remains Have Been Made for Five Years Last Past.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Whereas, It is deemed to be to the best interests of the City of Stockton that all human remains interred in cemeteries within the limits of the City of Stockton, in which cemeteries no interments of human remains have been made for a period of five years last past, be exhumed and removed without the city.

Sec. 2. The authorities in charge of such cemeteries are hereby directed to at once cause exhumation and removal to be made by the relatives or friends of deceased persons interred therein, and in case of the neglect or refusal of such relatives or friends to make or cause to be made such exhumation and removal, the authorities in charge of such cemeteries are directed to have such exhumation and removal made without delay.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 283.

(Approved February 21, 1901.)

An Ordinance Creating a Police Relief, Health and Life Insurance and Pension Fund in the City of Stockton, County of San Joaquin, State of California, as Provided for by Law.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Under the provisions of Section 12 of an Act of the Legislature of the State of California entitled "An Act to create a police relief, health and life insurance and pension fund in the several counties, city and counties, city, and towns of the State," approved March 4th, 1889, it is hereby ordered and directed that for the purpose of said police relief and pension fund provided for in said Act that there be annually paid, when the tax levy for the City of Stockton is made, into the said police relief and pension fund all of the following moneys, to-wit:

First—Ten per centum of all moneys collected and received from licenses for the keeping of places wherein spirituous, malt or other intoxicating liquors are sold.

Second—One-half of all moneys received from taxes or from licenses upon dogs.

Third—All moneys received from fines imposed upon the members of the police force of the City of Stockton for violation of the rules and regulations of the Police Department.

Fourth—All proceeds of sales of unclaimed property.

Fifth—One-half of all moneys received from licenses from pawnbrokers, billiard-hall keepers, second-hand dealers and junk stores.

Sixth—All moneys received from fines for carrying concealed weapons.

Seventh—Twenty-five per centum of all fines collected in money for violation of city Ordinances.

Eighth—All rewards given or paid to members of such police force, except as shall be excepted by the Chief of Police.

Ninth—The Treasurer of the City of Stockton shall retain from the pay of each member of the Police Department the sum of $2.00 per month, to be forthwith paid into said police relief and pension fund, and no other or further retention or deduction shall be made from such pay for any other fund or purpose whatever.

Sec. 2. The respective official custodians of the moneys mentioned in Section 1 of this Ordinance are hereby ordered and directed to make payment thereof into the police relief and pension fund, as directed by Section 1 of this Ordinance.

Sec. 3. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 424.

(Approved September 12, 1906.) O. B. 7—107.

An Ordinance Providing for the Appointment of a Board of Trustees for the Disbursement of the Exempt Firemen's Relief Fund.

Be it ordained by the City Council of the City of Stockton, County of San Joaquin, State of California, as follows:

Section 1. The Mayor shall, within ten days after the passage of this Ordinance, appoint as a Board of Trustees for the disbursement of the Exempt Firemen's Relief Fund, the President, Vice-President, Recording Secretary, Financial Secretary, and Treasurer of the Exempt Fire Company of the City of Stockton, California, which officials and their successors in office shall perpetually constitute said Board of Trustees.

Sec. 2. Said Board shall provide for the disbursement of the amounts set aside in the budget of municipal expenditures of each fiscal year, for the relief of exempt firemen, and shall ascertain and determine the beneficiaries thereof as hereafter directed.

Sec. 3. Each Trustee shall qualify by taking the constitutional oath of office at the commencement of his term of office.

Sec. 4. Said Trustees shall organize as a Board and elect from their number a President and Secretary, who shall be a beneficiary. A majority of said Board shall constitute a quorum, with power to transact business. The members and the President of said Board shall serve without compensation. The Secretary shall keep a record of all the proceedings of the Board and certify to all demands allowed by the said Board.

Sec. 5. Said Board shall enroll all exempt firemen who are residents of the State of California, and who hold a duly signed certificate of exemption, or who are entitled to the same, for services rendered in the "Old Volunteer Fire Department" of the City of Stockton, California.

Sec. 6. The Exempt Firemen's Relief Fund shall be applied to the relief of such enrolled firemen as are physically disabled from earning a livelihood; said Board shall grant to such disabled firemen as it deems just. The decision of said Board as to the fact and duration of disability and the amount to be granted shall be conclusive. Such fund shall be used exclusively for the purposes herein specified and to pay the necessary expenses for stationery, office rent and Secretary's salary for said Board. The relief for disability shall in no case exceed the sum of $25.00 per month to any member; $50.00 may be allowed for funeral expenses of any deceased member, and the expenses of said Board for stationery, office rent and Secretary's salary shall not exceed $20.00 per month.

Sec. 7. All demands drawn upon the Exempt Firemen's Relief Fund shall be verified by the claimant, certified to by the Secretary of the Board and presented to the Auditor for his approval and signature.

Sec. 8. The Board of Trustees shall in no case issue any demands which in the aggregate will exceed the amount of the fund in the budget.

Sec. 9. This Ordinance shall take effect and be in force from and after its final passage and approval.

ORDINANCE No. 459.

(Approved November 25, 1907.) O. B. 7—175.

An Ordinance Providing for the Preservation of the Navigation of Stockton Channel by Diverting the Waters of Mormon Channel Into the San Joaquin River; Authorizing the Leasing of Lands by the City Therefor (With Option to Purchase the Same), and Providing for the Raising and Expenditure of Funds to Accomplish Such Purpose.

Whereas, Stockton Channel is a navigable stream, navigable for river steamers, schooners, barges and smaller craft, from the west line of El Dorado street, within the corporate limits of said city, and running thence in a westerly direction to the San Joaquin River, which river empties through Carquinez Straits into the Bay of San Francisco; and,

Whereas, Said Stockton Channel is the only navigable stream within the limits of the City of Stockton and is the only navigable stream connecting said city with San Francisco and other seaport towns along San Francisco Bay and the Pacific Ocean; and,

Whereas, Mormon Channel takes its source as a freshet stream at the town of Bellota, in this county, east of the City of Stockton about seventeen miles, and carries flood waters from the mountains in a westerly direction through the limits of the City of Stockton into the said Stockton Channel, a short distance west of the westerly limits of said city; and,

Whereas, Said Mormon Channel, at periods of high water, carries great quantities of silt, detritus, sand and gravel from its source into the Stockton Channel, there depositing the same, to the great detriment

of navigation, and so much so that the total destruction of navigation of said channel is imminently and seriously threatened, and it is hereby found that unless immediate relief be had by diverting the waters of Mormon Channel away from Stockton Channel, so as to stop the accumulation of detritus, debris, sand and gravel in Stockton Channel, that the navigation of said last mentioned channel will, with the first ensuing high water in Mormon Channel, be completely blocked and destroyed at and below the point where the Mormon Channel flows into the Stockton Channel; and,

Whereas, The continuance of the navigation of Stockton Channel is vitally important to the existence and continued prosperity of Stockton as a city and to the welfare and prosperity of each of its inhabitants; and,

Whereas, The destruction of the navigation of Stockton Channel will lead to great loss of property values in said city for taxable purposes and will seriously injure the future of Stockton as a city and the business interests of each and all of its inhabitants, and will completely destroy the usefulness of the navigable waters within the city limits of this city for navigation purposes; and,

Whereas, It is found as a fact, to the satisfaction of the City Council, that the diversion of the waters of Mormon Channel over the lands of Reclamation District No. 404, lying north of the embankment of the Santa Fe Railway Company in said district, and thus allowing the waters from Mormon Channel to flow into the San Joaquin River, and not into the Stockton Channel, will save the navigation of Stockton Channel until such time as the diverting canal proposed to be constructed by the United States Government from a point about three miles east of Stockton to the San Joaquin River, below the mouth of Stockton Channel, shall have been completed; and,

Whereas, It is found, as a matter of fact, that the only feasible and safe plan of saving the navigation of Stockton Channel from complete destruction is by diverting the waters of Mormon Channel over the lands of Reclamation District No. 404, which lie north of the Santa Fe Railway Company's embankment, running through said district, as aforesaid, and from thence into the San Joaquin River; and,

Whereas, The matter of said diversion is the only plan of improvement that will immediately relieve the situation and save the navigation of Stockton Channel; and,

Whereas, It is proposed to cut the levee surrounding Reclamation District No. 404 at a point near the pumping station in this city, to place a dam across Mormon Channel below said point, and to turn the waters of Mormon Channel over the lands of certain property-owners of said Reclamation District, and from thence into the San Joaquin River; and,

Whereas, It is proposed that the city lease from Frank S. Boggs and Louise E. Boggs a tract of land within said Reclamation District No. 404, consisting of about eleven hundred acres, for the purpose of the diversion of said waters of Mormon Channel over said lands, and for a period of two years, with an option given to the city for an extension of one year additional of said lease, at an annual rental of $10,000 per year for the first two years of said lease and $12,000 for the third year, in case the city elects to extend the said term for three years; and,

Whereas, Business interests of the City of Stockton have agreed to indemnify the owners and tenants of all lands situate within said Reclamation District No. 404 that may be damaged on account of the

cutting of said levee by the City of Stockton and the diversion of the waters of Mormon Channel over the lands of said district, and have agreed to and will procure the consent of each and all of the landowners and tenants of land of said district to said diversion, and will procure a written release, in proper form, from each and all of the owners and tenants of lands in said district, running to the City of Stockton, a municipal corporation, against any damages or claims of damage that they or any of them may suffer by reason of said diversion of the waters of Mormon Channel, and the said business interests have procured the consent of the authorities of the United States to the damming of Mormon Channel and to the flowing of the waters of said Mormon Channel over the lands of said district, and will procure the consent of the Trustees of Reclamation District No. 404 to the diversion of said waters over the lands of said district, and will procure a waiver from the Trustees of said district against any claim of damage that may be suffered by the said district on account of injury to the levee or works of said district by reason of the diversion of the said waters of Mormon Channel, and will procure the consent of the Topeka and Santa Fe Railway Company to the flowing of the waters of Mormon Channel over the lands of said district and against the embankment upon which is laid the main line of railway of said company, running through said district from the City of Stockton in a westerly direction, towards the City of San Francisco, provided the City of Stockton will pay or cause to be paid out of the general fund of said city for the year 1908 the sum of $3,000, to be used by the said company in the construction of wing dams and in the strengthening of said embankment along the right-of-way of said railway as aforesaid, and will procure the consent of the Southern Pacific Company to the diversion of said waters over the lands of said district; provided the City of Stockton, at the time of the termination of its use of said lands for the purpose aforesaid, will pay to the Southern Pacific Company an amount of money not exceeding $2,500 for the repair of any damage that may be done to the said railway track and embankment of said company running over a portion of said Reclamation District upon which it is proposed to divert the waters of said channel, provided the track or embankment of said company shall have been damaged during the period that said waters are allowed to flow over the lands of said district, and said business interests have agreed to and will procure an agreement of lease from Frank S. Boggs and Louise E. Boggs to the City of Stockton of said tract of land in said district above mentioned for the period of two, with an option to the city of three years' rental, at the following annual rental and in the following installments, to-wit:

One thousand ($1,000) dollars on the execution of said lease; forty-five hundred ($4,500) dollars on the first day of July, 1908, and forty-five hundred ($4,500) dollars on the first day of October, 1908; one thousand ($1,000) dollars on the fifteenth day of October, 1908; forty-five hundred ($4,500) dollars on the first day of July, 1909, and forty-five hundred ($4,500) dollars on the first day of October, 1909; one thousand ($1,000) dollars on the fifteenth day of October, 1909; fifty-five hundred ($5,500) dollars on the first day of July, 1910, and fifty-five hundred ($5,500) dollars on the first day of October, 1910, provided the said city elects to take the land for the third year; and,

Whereas, As a part of said lease-contract the said Frank S. Boggs and Louise E. Boggs have given an option to the City of Stockton for the period of one year from November 8th, 1907, for the purchase of his said land, consisting of about 900 acres, and have agreed that the

rentals paid on said lease shall be credited upon the purchase price, in case the City of Stockton shall elect within the said period of one year to purchase the same; and,

Whereas, It is proposed that the City of Stockton, a municipal corporation, is to pay the expense of constructing a dam across Mormon Channel, at or near the pumping station in said city, estimated at a cost of seventy-five hundred ($7,500) dollars, and is to cut the levee of Reclamation District No. 404 immediately above the said dam, at a cost estimated at twelve hundred ($1,200) dollars, and is to purchase and install a pumping plant at an estimated cost of twenty-five hundred ($2,500) dollars, and is to operate the same at an estimated cost of fifteen hundred ($1,500) dollars per annum in pumping off any waters that may seep through the embankment of the Santa Fe Railway Company upon the lands of said district south thereof, and the said city is to remove said dam that may be placed in Mormon Channel, at an estimated expense of fifteen hundred ($1,500) dollars.

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. It is hereby declared that the proposed diversion of the waters of Mormon Channel over the lands of Reclamation District No. 404, lying north of the embankment of the Santa Fe Railway Company on said lands, and from thence into the San Joaquin River, is a public necessity and is a matter of great urgency, and unless the same is done at once, the navigation of Stockton Cnannel will be permanently destroyed.

Sec. 2. It is hereby declared that the destruction of the navigation of Stockton Channel will result in great and permanent injury to the property of the City of Stockton as a municipal corporation, and will greatly decrease the value of property in said city for taxable purposes and will destroy the navigation of all navigable waters within said city and will result in permanent and serious damage and detriment to the City of Stockton and to the inhabitants thereof.

Sec. 3. For the purpose of carrying out the work of diverting the waters of Mormon Channel over the lands of Reclamation District No. 404, lying north of the embankment of the Santa Fe Railway Company, and from thence into the San Joaquin River, and thus preserving the navigation of Stockton Channel, it is hereby provided that in case the business interests mentioned in the preamble to this Ordinance shall comply with all the conditions named therein to be performed by them, including all the conditions named in the opinion of the City Attorney, of date October 23d, 1907, and in that event only, the City of Stockton does now and hereby direct and empower the Mayor of said city, in the name of and as the act of said city, to secure and execute a written lease of the tract of land containing about eleven hundred acres, situate in said district, lying north of the embankment of the Santa Fe Railway Company on said lands, and belonging to Frank S. Boggs and Louise E. Boggs, from said parties to said city, for the term of two years, with an option to the said city for the extension of said term for one year more, upon the annual rental and in the installments set forth in the preamble hereto, in which said lease there shall be included an option from the said Frank S. Boggs and Louise E. Boggs to the City of Stockton for the purchase of his 900-acre tract of said lands at any time within the period of one year from the eighth day of November, 1907, at the agreed price of one hundred fifty ($150) dollars per acre; and providing, further, that any payments of rental under said lease shall be credited upon the purchase price of said lands should the city elect to purchase the same during the

period of said option, and the City of Stockton does now and hereby undertake and authorize the payment of said rentals to be paid by the city under said lease, out of the revenue of the fiscal years 1908, 1909 and 1910 (provided the city shall elect to hold said lands for the year 1910). The sum of ten thousand ($10,000) dollars as rental for the first year, to be paid out of the revenue of the fiscal year 1908; it being understood that the business interests aforesaid are to advance to the said lessors the first payment of one thousand ($1,000) dollars, to be made upon the execution of said lease, and that said business interests are to be repaid the said advancement out of the said sum of ten thousand ($10,000) dollars to be raised by taxation for the fiscal year 1908, as aforesaid;

And the City of Stockton does now and hereby undertake and authorize the payment of the sum of ten thousand ($10,000) dollars out of the revenue of the fiscal year 1909 of said city, as and for the rental of said lands for the second year of said term; the payment of one thousand ($1,000) dollars to be made on October 15th, 1908, being the first payment for the second year of the rental of said lands, is to be advanced by the business interests aforesaid and is to be repaid to them out of the revenue of the fiscal year 1909 of said city, to be devoted to the payment of the second year of said rental as aforesaid, and in case the city shall elect to hold the said lands for a third year, the City of Stockton does now and hereby undertake and authorize the payment out of the revenue of the fiscal year 1910 of the sum of twelve thousand ($12,000) dollars, being the amount of the rental to be paid for said third year; it being understood and agreed by the business interests of the city aforesaid that they will advance the first payment of one thousand ($1,000) dollars, to be made on said rental, October 15th, 1909, and that the same shall be repaid to them out of the revenue of the fiscal year 1910 of said city, as in the case of the first and second years of said term.

Sec. 4. For the purpose of accomplishing the work of diverting the said waters of Mormon Channel over the lands of said District No. 404, lying north of the Santa Fe Railway embankment, and from thence into the San Joaquin River, and thus preserving the navigation of Stockton Channel, the City of Stockton does now hereby undertake and authorize the work of constructing a dam across Mormon Channel, at or near the pumping station in this city, in accordance with the plans and specifications therefor, to be prepared by the City Engineer and at an expense not exceeding seventy-five hundred ($7,500) dollars, which the City of Stockton does now and hereby undertake and authorize the payment of out of the revenue of the fiscal year 1908 of said city;

And the City of Stockton does now and hereby undertake and authorize the work of cutting the levee of Reclamation District No. 404, at a point directly above the place of construction of the said dam aforesaid, at an expense not exceeding six hundred ($600) dollars, which the city does now and hereby undertake and authorize to be paid out of the revenue of the fiscal year 1908 of said city;

And the City of Stockton does now and hereby undertake and authorize the work of protecting the ends of said cut on said levee, at an estimated cost of twelve hundred ($1,200) dollars, which the City of Stockton does now and hereby undertake and authorize to be paid out of the revenue of the fiscal year 1908 of said city;

And the City of Stockton does now and hereby undertake and authorize the replacement of said cut in the levee at the expiration of said lease, at an estimated cost not exceeding twelve hundred ($1,200)

dollars, and the said city does now hereby undertake and authorize the payment of said sum of twelve hundred ($1,200) dollars out of the revenue of the fiscal year succeeding the termination of the use of said cut;

And the City of Stockton does now hereby undertake and authorize the removal of said dam across Mormon Channel, when the said diversion of waters of Mormon Channel shall cease, at an estimated cost of fifteen hundred ($1,500) dollars, and the City of Stockton does now hereby undertake and authorize the payment of said sum of fifteen hundred ($1,500) dollars out of the revenue of the fiscal year succeeding the date when said diversion of the waters of Mormon Channel shall cease;

And the City of Stockton does now hereby undertake and authorize the payment to the Santa Fe Railway Company of the sum of three thousand ($3,000) dollars, to be used by the said railway company in strengthening the embankment upon its right of way across said Reclamation District as aforesaid, and for the construction of wing dams, provided the consent of the said railway company be obtained to the diversion of said waters of Mormon Channel as planned herein. And the City of Stockton does undertake and authorize the payment of said sum of three thousand ($3,000) dollars out of the revenue of the fiscal year 1908 of said city for the purpose aforesaid.

And the City of Stockton does further undertake and authorize the purchase and installation of a pumping plant, at an expense not exceeding twenty five hundred ($2,500) dollars, to be installed on the south side of the right of way of the Santa Fe Railway Company aforesaid, for use in the draining of lands of said Reclamation District south of said right of way, in case the same are damaged by seepage. And the City of Stockton does hereby undertake and authorize the payment of said sum of twenty-five hundred ($2,500) dollars out of the revenue of the fiscal year 1908 of said city, to be raised by taxation for that purpose.

And the City of Stockton does further undertake and authorize the work of maintaining and operating the said pumping plant for the first two years of said lease and for the third year of the same (provided the city shall elect to hold said lease for said three years) at an annual expense not exceeding the sum of fifteen hundred ($1,500) dollars. And the City of Stockton does further undertake and authorize payment out of the revenue of the fiscal years 1908, 1909 and 1910 of the sum of fifteen hundred ($1,500) dollars for each and every of said years, for the purpose of maintaining and operating the said pumping plant, as long as the same shall be operated.

And the City of Stockton does further undertake and authorize the payment out of the revenue of the fiscal year following the termination of said lease, of a sum not to exceed twenty-five hundred ($2,500) dollars, to be paid to the Southern Pacific Company (so called) to reimburse said company for the damage (if any) done to the railway track and embankment of said company running over the lands of said district and caused by the diversion of said waters as aforesaid.

Sec. 5. The award of all contracts for the doing of the work necessary to divert the said waters, shall be done and carried out under the provisions of the City Charter of this city.

Sec. 6. This Ordinance shall take effect from and after its final passage and approval.

CONVEYANCES AND CONTRACTS.

ORDINANCE No. 44.

(Originally No. 64, approved December 8, 1877.) O. B. 4—103.

Authorizing exchange with R. B. Lane of part of block 5, etc., S. M. C., for part of block 9½, S. M. C. See Statutes 1877-8, p. 201.

ORDINANCE No. 45.

(Originally No. 92, approved March 17, 1879.) O. B. 4—161.

Authorizing exchange with C. M. Weber of center 200 feet of blocks H, G, B, C, D and E, in Mormon Channel east of Center street, for Scott's avenue from Hunter to American streets, crossings excluded.

ORDINANCE No. 46.

(Originally No. 112, approved April 20, 1881.) O. B. 4—202.

Authorizing release and quitclaim to William Doyle of part of lot 15, in block 83, east; to H. K. Clifford, of part of lot 7, in block 74, east; to H. M. Fanning, of part of lot 11, in block 83, east.

ORDINANCE No. 48.

(Originally No. 129, approved April 3, 1882.) O. B. 4—241.

Authorizing exchange with H. K. Clifford for parts of lots 1, 3 and 5, in block 72, east.

ORDINANCE No. 49.

(Originally No. 161, approved March 3, 1884.) O. B. 4—301.

Authorizing quitclaim to A. Rivara of parts of lots 9 and 11, in block 83, east.

ORDINANCE No. 51.

(Originally No. 238, approved October 17, 1887.) O. B. 4—510.

Authorizing conveyance to J. D. Peters of a part of lot 10, in block 70⅓, east.

ORDINANCE No. 52.

(Originally No. 313, approved December 29, 1890.) O. B. 5—40.

Authorizing purchase of block T, east.

ORDINANCE No. 140.

(Approved August 29, 1894.) O. B. 5—465.

Consent of City Council to purchase of lot 6, in block 87, east, by Board of Education.

ORDINANCE No. 168.

(Approved March 10, 1896.) O. B. 5—561.

Authorizing conveyance to James H. Budd and J. E. Clifford of parts of lots 1 and 3, block 72, east.

ORDINANCE No. 308.

(Approved November 13, 1901.) O. B. 6—160.

Authorizing the purchase by the City of Stockton of lot seven (7), in block thirty (30), south of Mormon Channel, for a City Pound.

ORDINANCE No. 314.

(Approved April 23, 1902.) O. B. 6—176.

Granting, donating and setting apart to the Trustees of the Stockton Free Public Library the east twenty-one (21) feet of the south one-half (½) of lot four (4); all of lot six (6), in block twelve (12), east.

ORDINANCE No. 315.

(Became a law May 3, 1902.) O. B. 6—178.

Authorizing the conveyance to Lucinda M. Budd of part of lot fifteen (15), in block seventy-two (72), east.

ORDINANCE No. 341.

(Approved May 26, 1903.) O. B. 6—316.

Accepting from the Farmers' Union and Milling Company a deed of property in the City of Stockton in exchange for the abandonment of a certain portion of Weber avenue.

ORDINANCE No. 356.

(Approved November 24, 1903.) O. B. 6—369.

Giving the consent of the City Council to the purchase by the Board of Education of lots two (2), four (4), six (6) and fourteen (14), in block M, west.

ORDINANCE No. 359.

(Approved December 29, 1903.) O. B. 6—379.

Authorizing the transfer of the Lafayette School property to the Board of Education.

ORDINANCE No. 378.

(Approved August 17, 1904.) O. B. 7—17.

Accepting for San Joaquin County a conveyance of an undivided one-half (½) of lot fourteen (14), in block seventy-two (72), east.

ORDINANCE No. 402.

(Became a law November 27, 1905.) O. B. 7—54.

Authorizing and directing the sale at public auction of lot fourteen (14), in block forty-two (42), east.

ORDINANCE No. 407.

(Approved January 9, 1906.) O. B. 7—64.

Authorizing the purchase by the City of Stockton of lot sixteen (16), in block two hundred and thirty-seven (237), east, for an engine-house.

FRANCHISES.

ORDINANCE No. 26.

Granting to the Stockton and Copperopolis Railroad Company the Right of Way and Certain Privileges in the City of Stockton.

(Being originally No 99, approved November 25, 1870.)

The Mayor and Common Council of the City of Stockton do ordain as follows:

Section 1. Subject to each and all the conditions and limitations hereinafter imposed in behalf of said City of Stockton and upon those conditions and limitations there is hereby granted to the Stockton and Copperopolis Railroad Company, its successors and assigns, the right of way so far as lies in the power of the city to grant it, for its roadbed and a single track, and the right and privilege to construct, lay down and maintain a single-track railway and to run the cars and locomotives of said railroad company by steam thereon, within the City of Stockton, upon and along the middle or center of Weber avenue and Weber levee, the said Weber levee being a continuation west of said avenue; provided, that west of El Dorado street, for a distance of five hundred (500) feet from the east line of said street the main track of said road may diverge from the center of Weber levee in a northerly direction, and also across and over East street to said Weber avenue. Also the further right or privilege to lay down, construct and maintain all such turnouts, sidetracks and switches as may be necessary for the convenient operation of said railway within the following-named boundaries on said Weber levee, to-wit: Upon all that certain strip, piece or portion of said Weber levee, being six hundred and eighty (680) feet long and fifty (50) feet wide, and commencing for the same on the west at a point where the middle or center line of said Weber levee intersects the east boundary line of Commerce street, thence east along said center line of Weber levee six hundred and eighty (680) feet to the point where the same intersects the west boundary line of El Dorado street, thence at right angles north along said west line of El Dorado street fifty (50) feet, thence at right angles west six hundred and eighty (680) feet to the east boundary line of Commerce street aforesaid, thence at right angles south fifty (50) feet to the point of beginning. And there is hereby further granted to said railroad company, its successors and assigns, the privilege of erecting within the limits next hereinbefore mentioned such stations and sheds as shall or may from time to time be necessary for the accommodation of its freighting and passenger business and for shipping and landing its own materials; provided, that the aggregate length of such sheds, stations and erections (measure from east to west) shall not exceed two hundred (200) feet. And no portion of the street or levee hereby granted shall be occupied or used for the sale of merchandise, liquors or other refreshments; and, provided, further, that any and all rights and privileges hereby granted to said railroad company upon and along said Weber avenue and Weber levee are granted and given subject to any and all rights of the Stockton and Visalia Railroad Company and the Stockton and Linden Turnpike Road Company (so called) now existing in and to said avenue and levee, and each and every part thereof.

Sec. 2. The said railroad company may, at any time within thirty days next after the passage and approval of this Ordinance, by

the lawful acts of its Board of Directors, surrender to the said City of Stockton all the privileges hereby granted upon Weber avenue and Weber levee, and may enter the City of Stockton over and across East street to Channel street, and may have the right of way for its roadbed and a single track, and the right and privilege to construct, lay down, maintain and operate a single-track railway within the said City of Stockton, and along the center or middle of said Channel street to Commodore's levee, and thence west along said levee to the east line of Commerce street, and the same privileges by the first section of this Ordinance granted to said railroad company upon that portion of Weber levee lying between the east side of Commerce street and the west side of El Dorado street and immediately north of and parallel with the middle or center line of said levee, being six hundred and eighty (680) feet long and fifty (50) feet wide, and therein particularly described, shall inure to said railroad company (upon said surrender) in and to all that portion of Commodore levee embraced within the following-named boundaries, to-wit: So much of said levee as lies between the west side of El Dorado street and the east side of Commerce street, and immediately south of adjoining to, parallel with the middle and center line of said levee to a uniform breadth or width of fifty (50) feet for the whole of said distance between said Commerce and El Dorado streets; and, provided, always that the City of Stockton hereby expressly reserves the right to control the water-front of said city, subject to the rights and privileges herein granted to said company along both of the levees hereinbefore mentioned, and the whole thereof, and the right to collect all wharfage, tonnage and levee dues, and nothing herein contained shall ever be construed as exempting said company from the payment of any such dues.

Sec. 3. The rights and privileges herein granted to said railway company by the first and second sections hereof are dependent for their continuance and validity upon the performance by said railroad company in full of all the conditions as hereinafter set out, to-wit:

First—The said railroad company shall in all cases construct and maintain their roadbeds in said city to the official grade thereof, and shall not raise or construct any portion of their roadbeds to a greater height than said grade, unless with the permission of the Common Council, except so far as it may be necessary to cross the roadbeds and tracks of other railroads; and in all such cases the official grade shall not be exceeded by the grade of said railroad for a greater distance than three hundred (300) feet on each side of the road so crossed, unless the usual maximum grade admissible in the construction of railroads would be exceeded if restricted to three hundred (300) feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets, levees or avenues of said city, except it may be necessary so to do for the purpose of erecting culverts.

Second—Said company shall erect suitable culverts for the passage of the water at such points on their roadbeds as shall be selected by the Common Council, and keep such culverts in repair.

Third—The said company shall, after the grading and improvement in accordance with the then existing Ordinance of said Weber avenue and levees and said East street or said Channel street and Commodore levee, if the same shall be selected by said company, keep in good order and repair that portion of said street, avenue and levees, so selected and used, between the rails of said railroad and for the

distance of three feet along the outside of each rail, and also the space between the sidetracks or side and main tracks, when such space is less than ten feet.

Fourth—The said railroad company shall keep in good repair all street crossings along the line of the roadboad through the city, and shall construct and maintain at such crossings suitable embankments or other structures with proper slope to enable teams readily to cross the roadbed.

Fifth—The said railroad company shall construct, keep and maintain that portion of the track of said company on Weber avenue and levee and their crossings, or upon Channel street and Commodore levee and their crossings, as said company may hereafter select, by planking or paving the same between the rails and for three (3) feet on each side of the track thereof, that said track shall present a smooth and uniform surface even with the top of the rails, and also even and level with the ground on either side of said track, so that vehicles may pass over and across the same without difficulty and obstruction; and the Common Council of said city shall have authority at all times to regulate, and, when necessary, to prohibit the standing of engines or cars of said railroad company on either Weber avenue or Channel street.

Sixth—The said Stockton and Copperopolis Railroad Company shall perfect all rights herein granted within twelve months from the date thereof; provided, the proposed Stockton and Copperopolis Railroad does not extend at least ten miles from the City of Stockton.

Seventh—The said railroad company shall, within thirty (30) days after the passage and approval of this Ordinance by resolution of the Board of Directors, at a general or special meeting for that purpose, declare its acceptance of the terms and conditions of this Ordinance and designate the street or avenue and levee in said city over which they have elected to build and operate the main railway and track of their said railroad in conformity with Sections one (1) and two (2) of this Ordinance, and file with the City Clerk of the City of Stockton a duly authenticated copy of such resolution, which shall be by said Clerk entered on the records of the Council, and said record shall be deemed evidence of the same with the like validity and effect as the original.

Sec. 4. It is hereby made the duty of the Street Commissioner of the City of Stockton to examine and inspect all the work done by said company by virtue of this Ordinance within the corporate limits of said city, and from time to time as he may discover the same he shall report to the Common Council any violation of any of the conditions herein contained and imposed on the company. Upon such report by the said Commissioner of any violation of said conditions, or of any of them, by said railroad company, their officers, agents or employes, the Common Council shall cause immediate notice to be served on the President or Secretary of said company that unless the violated condition be complied with by said company within thirty (30) days from the service of said notice that all rights and privileges granted said company by this Ordinance shall cease, determine and become of no effect. And the said railroad company thereafter, still neglecting or refusing to comply with such violated conditions for the space of thirty (30) days, upon a second report of said Commissioner presenting satisfactorily to the Common Council the evidence of such violation, the Common Council shall, by resolution, declare that all the rights and privileges granted by this Ordinance to said company be abrogated and annulled.

ORDINANCE No. 27.

Granting to the Stockton and Copperopolis Railroad Company Certain Rights and Privileges in the City of Stockton.

(Being originally No 108, approved February 21, 1871.)

The Mayor and Common Council of the City of Stockton do ordain as follows:

Section 1. Subject to each and all the conditions and limitations hereinafter imposed on behalf of said City of Stockton, and upon these conditions and limitations there is hereby granted to the Stockton and Copperopolis Railroad Company, its successors and assigns, the right to maintain the present tracks, turnouts and sidetracks of said railroad now constructed upon Weber avenue and Weber levee, in said City of Stockton, and to run thereon the cars and locomotives of said company, by steam—save and excepting, however, from the operation of the foregoing grant that portion of the sidetrack now constructed, which extends beyond the east boundary line of Commerce street.

Sec. 2. And subject to the conditions and limitations aforesaid there is hereby granted to said railroad company, its successors and assigns, the right to construct and maintain two additional sidetracks on said Weber avenue; that is to say, one track on the south side of the track now constructed along the middle or center of said avenue, commencing for said sidetrack at a point on said avenue 150 feet west of the west boundary line of Otter street, and running thence along and on said avenue. to the west or western terminus thereof; one other track on the north side of said track now constructed along the middle or center of said avenue, commencing for said last mentioned sidetrack at a point on said avenue where the west boundary line of Raccoon street intersects said avenue, and running thence along and on said avenue to the west or western terminus thereof; and subject to the said conditions and limitations as aforesaid there is hereby granted to the said company the further right to construct and maintain the depot building, 200 feet in length and 54 feet in width, on said levee, now in process of construction by the said company, and at the place where the said depot building is now being constructed; provided, however, that the right of constructing the said two sidetracks is granted upon the further condition that each of said sidetracks shall be located and constructed as near the said central track as shall be practicable without impeding, obstructing or interfering with the free and convenient use of said tracks or either of them; and, provided, further, that said grants to said company are subject to any and all prior rights which may exist of the Stockton and Visalia Railroad Company to the right of way hereby granted: and, provided, further, that said Stockton and Copperopolis Railroad Company shall in all cases construct and maintain its roadbeds to the official grade of said city, and that said company shall, at its own expense, keep in good order and repair that part of said Weber avenue and Weber levee between the rails and tracks of said railroad and for three feet on each side thereof, and shall also construct and maintain suitable crossings over their said rail track by planking or paving the same between the rails of their several tracks, and for and on three feet on each side thereof, and with suitable embankments and proper slopes to enable teams readily to cross said roadbeds and tracks; and, provided, further, that this grant is with all conditions in respect to the construction and maintaining of such cross-

ings by said company and to the regulation thereof by the Common Council of said city as are contained in Ordinance No. 99 of the said Ordinances of the said City of Stockton, approved November 25, 1870.

ORDINANCE No. 36.

Granting Privileges to the Central Pacific Railroad Company.

(Being originally No. 61, approved June 21, 1877.)

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. There is hereby granted to the Central Pacific Railroad Company the right of way, so far as lies in the power of the city to grant it for its roadbed and a single track, with the privilege of running the cars and locomotives by steam thereon. Commencing at the intersection of Worth street with the main track of the Central Pacific Railroad on Sacramento street, in said City of Stockton; thence through blocks number two hundred and eighty-three (283) and A, and across Taylor and Aurora streets and Scott's avenue, to a point on the center line of Mormon avenue, between Grant and Stanislaus streets; thence along and upon the center line of said avenue to the intersection of El Dorado street; thence to diverge to a point on Mormon avenue fifty (50) feet from the bank thereof; thence on a parallel line preserving the same mean distance from the bank of the slough to the west line of Beaver street.

Sec. 2. The rights and privileges granted to said railroad company are dependent for their continuance and validity upon the performance by said railroad company of the following conditions, to-wit:

First—The said railroad company shall construct and maintain the roadbed to the official grade when required to do so by the order of the City Council of said city, and twenty (20) feet is hereby declared to be the width of said roadbed along and upon Mormon avenue, and twelve (12) feet from Mormon avenue to its point of intersection with the main track of the Central Pacific Railroad.

Second—The said railroad company shall place in said roadbed substantial culverts at such points as shall be selected by the Street Committee of said Council, and keep such culverts in repair.

Third—The said railroad company shall keep the roadbed in good condition, with proper slope, to enable teams to pass and repass.

Fourth—All privileges and rights required by said railroad company for the passage and construction of said roadbed through private property, or upon grades made by private persons upon the proposed line of said roadbed, are to be secured by said company from such property-holders.

Sec. 3. If the said Central Pacific Railroad Company shall fail for thirty days to accept in writing, duly filed with the City Clerk of said city, the right of way and privileges herein granted, or to commence in good faith and duly prosecute the projection of said roadbed within ninety days from this date, this Ordinance shall be of no force or effect as a grant unto said company.

Sec. 4. This grant and the privileges conveyed shall exist for the period of twenty-five years from the date of the acceptance by the said Central Pacific Railroad Company, unless sooner amended or revoked by a failure of the company to observe the provisions hereof.

ORDINANCE No. 57.

(Being originally No 328, approved May 14, 1891.)

Granting to the Central Pacific Railroad Company the Right to Construct and Maintain a Railroad Upon a Certain Portion of Mormon Levee and Across Commerce Street, in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Pacific Railroad Company, a corporation duly organized and existing under the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, and to its successors and assigns, the right and privilege to lay down, construct and maintain a roadbed of standard broad-gauge width and a single track thereon as and for a switch in connection with the present track of the said Central Pacific Railroad Company on Mormon levee, in the City of Stockton, with the right and privilege of running cars and locomotives by steam thereon as follows: Commencing at a point on the present line of the present track of the said Central Pacific Railroad Company on Mormon levee, about one hundred and fifty (150) feet west of Center street, in said city, and connecting with the said present track of the said Central Pacific Railroad Company on Mormon levee at said point; and running thence northwesterly along and across said Mormon levee to a point distant about sixty (60) feet south from the north line of said Mormon levee and one hundred (100) feet west of the west line of said Commerce street.

Sec. 2. The said roadbed, track or switch and all connections therewith shall be constructed and maintained in a good and substantial manner so as not to impede or interfere with the travel over or upon said streets.

Sec. 3. Said Central Pacific Railroad Company and its successors and assigns, their agents or officers, shall, upon the order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize any and all that portion of the said levee and street along which the said track shall be laid, between the rails thereof, and for a width not exceeding two feet on each side of said track, also between the rails, and for a width not exceeding two feet on each side thereof of all curves and appendages thereto. It shall keep the same, including curves, constantly in repair and flush with the street.

All work must be done under the direction and to the satisfaction of the Superintendent of Streets; and in no case shall the said Central Pacific Railroad Company, its successors or assigns, be permitted to run or operate said railroad upon said streets until the same shall have been approved by the Superintendent of Streets and accepted by the City Council.

Sec. 4. This grant shall continue in force for the term of ten (10) years from the date of approval of this Ordinance.

Sec. 5. This Ordinance shall be of no effect to vest the rights and privileges herein granted unless the Central Pacific Railroad Company, its successors or assigns, shall, within thirty (30) days after the

approval hereof, accept in writing the rights and privileges herein and hereby granted, together with all and singular the privileges, conditions and restrictions herein contained, within the said time file such written acceptance with the City Clerk.

Sec. 6. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 61.

(Approved August 20, 1891.)

Granting to the Southern Pacific Company the Right to Construct and Maintain Certain Railroad Tracks on Weber Levee and Weber Avenue Extended.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. To the Southern Pacific Company (a corporation) is hereby granted for a term of twenty-five years the right to construct and maintain on Weber levee and Weber avenue extended, in the City of Stockton, and at the official grade of said avenue:

First—A portion of the sidetrack now known as the Sperry track, then running parallel with the curb line on a tangent about 173 feet westerly from a point about 112 feet east of the west line of Beaver street, and thence curving towards the present main track, and thence west to a point about 75 feet west of the west line of Elk street, there to connect with the main track by a switch.

Second—A sidetrack from a point about 50 feet west of the west line of Bear street and north of the present main track, connecting by a switch with the sidetrack south of the Eureka warehouse, running east about 12 feet south of and parallel with the south line of the new flouring mill of the Farmers' Union and Milling Company to a point about 25 feet east of the east line of said mill; thence turning south towards said main track to a point about 100 feet east of the east line of Elk street and there connecting by a switch with said main track.

Third—A link or turnout connected with said main track by a switch running from a point about 200 feet west of the west line of Raccoon street, to connect with the present sidetrack which now crosses Tule street by a switch leading to the Crown mills and warehouse, about 50 feet from the east line of Tule street.

Sec. 2. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 69.

(Approved September 22, 1891.)

Granting to the Southern Pacific Company (a Corporation) the Right and Privilege to Lay Down, Build and Maintain Certain Platforms on Sacramento Street and Weber Avenue.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Southern Pacific Company (a corporation), its successors and assigns, the right to

improve, at its own expense, certain portions of Weber avenue and Sacramento street, herein specified, in the following manner, to-wit:

To build, lay down and maintain a platform on the west side of the present railroad track of the Central Pacific Railroad Company, which said railroad track is now located in or near the center of Sacramento street, in the said City of Stockton: Commencing at a point about fifty-six (56) feet south of the south line of Channel street; thence running south along the side of and parallel with the west rail of said main track upon said Sacramento street, 15 feet from the center of said main track to a point about 250 feet from the place of beginning; thence running south on said Sacramento street and on the west side of said main track and forty (40) feet from the center of same, about 360 feet; thence running south on Sacramento street and on the west side of said main track and 15 feet from the center of said main track to the north line of Market street. Also the further right to build, lay down and maintain a platform on the south side of Weber avenue, and on the south side of the present main track of the Southern Pacific Railroad Company of California, which said railroad track is now located on the said Weber avenue and near the center thereof, in the said City of Stockton: To commence at the east line of Aurora street; thence running east along the side of and parallel with the south rail of the said main track on Weber avenue, and 15 feet from the center of said main track to a point about 256 feet from the point of commencement; thence running east on the south side of said main track and on the south side of Weber avenue to the west line of Sacramento street, 55 55-100 feet from the center of said main track; thence running east on said Weber avenue from the center of Sacramento street, and 15 feet from the center of said main track to the west line of Union street.

Sec. 2. The platforms herein provided for are to be built, laid down and maintained on the official grades of the City of Stockton, and the surface pavement herein permitted is to be of concrete or bituminous rock, and all work done or improvements made or maintained by virtue of the provisions of this Ordinance must be done, made and maintained to the satisfaction of the Superintendent of Streets of said city and his successors in office.

Sec. 3. The rights and privileges herein granted to the Southern Pacific Company (a corporation) are granted upon the express terms and conditions that the City Council reserves the right to order Weber avenue, between Aurora and Union streets, and Sacramento street, from Channel street to Weber avenue, improved in such a manner as may be deemed advisable, and that nothing herein contained shall be construed as in any way affecting the power of the City Council so to do.

Sec. 4. All the work herein specified shall be commenced within six (6) months from the date of the passage of this Ordinance and completed within ninety (90) days thereafter, and for failure to comply with the provisions of this section said Ordinance shall become void and of no effect.

ORDINANCE No. 324.

(Became a law November 26, 1902.) O. B. 6—211.

Granting to the Southern Pacific Railroad Company the Right to Construct, Maintain and Operate a Railroad Upon, Along and Across Certain Streets in the City of Stockton, Together With All Necessary Spur Tracks and Sidings in Connection Therewith.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Southern Pacific Railroad Company, its successors and assigns, so far as it is in the power of said Council to grant the same, the right to construct, maintain and operate by means of steam locomotives or other lawful motive power, for the period of fifty years, a single or double-track railroad of standard gauge, viz.: four feet eight and one-half inches, upon, along and across certain streets in the City of Stockton, as follows:

Commencing at a point in the existing railroad of said Southern Pacific Railroad Company, as constructed on Weber avenue, at or near the westerly line of Edison street, and running thence in a westerly direction, curving to the south and crossing Mormon Slough by means of a drawbridge, to the lands of the John Boggs estate on the southerly side of Mormon Slough; thence westerly across the lands of said John Boggs estate to the westerly limits of the City of Stockton.

Together with the right to construct, maintain and operate such spur tracks and sidings as shall be necessary or convenient for the proper transaction of the business of said Southern Pacific Railroad Company.

Sec. 2. The roadbed of said railroad shall conform as nearly as possible to the grades of the streets whereon or across which the same shall be laid, and where it is not practicable to construct the same on the grade of cross streets said roadbed shall be made with sloping approaches, so that the same may be crossed by teams.

Sec. 3. Unless the said Southern Pacific Railroad Company shall, within thirty days after the final passage of this Ordinance, file its acceptance of the same and of all of the terms and conditions thereof, in writing, with the City Clerk, this Ordinance and the franchises hereby granted shall become and be null and void.

Sec. 4. This Ordinance shall take effect and be in force immediately upon its final passage and approval.

ORDINANCE No. 97.

(Approved January 14, 1893.)

Granting to the Central Pacific Railroad Company the Right of Way On and Across Certain Streets for the Purpose of Laying and Maintaining Certain Railroad Tracks Thereon.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Pacific Railroad Company the right of way, so far as it lies within the power of the city to grant it, for its roadbed, with the privilege of running and operating cars and locomotives by steam thereon, the following railroad beds and tracks, to-wit:

First—To extend the present and existing spur track of the Central Pacific Railroad Company, which has its northerly end in the main line of said company's tracks, a distance of about seventy (70) feet north of the north line of Main street, extending it parallel to and thirteen feet distant from the existing main line of said company, along Sacramento street southerly to and across Market street, Washington street, Lafayette street and Sonora street, to a connection with the main line or track on the north of Church street.

Second—Also a second track parallel to the track hereinbefore mentioned and described, and connecting therewith 35 feet south of the south line of Main street, and thence running along Sacramento street parallel to and 26 feet distant from the existing main track across Market street and Washington street to the north of Lafayette street.

Third—Also a spur track connecting with the track first herein before mentioned 70 feet south of the south line of Lafayette street, thence by a curve and tangent in a northerly direction across Lafayette street and Washington street to the south line of Market street, 31.5 feet west of the west line of Sacramento street.

Fourth—Also a spur track commencing on the last mentioned track 35 feet north from the north line of Lafayette street and running by a curve and tangent across Washington street to the south line of Market street at a point 81.5 feet west from the west line of Sacramento street.

Fifth—Also a spur track commencing on the last mentioned track 100 feet north of the north line of Lafayette street, thence northerly by a curve and tangent across Washington street parallel with the last mentioned track to the south line of Market street at a point 93 5 feet west of the west line of Sacramento street.

Sixth—Also a spur track commencing at the same point as the last mentioned track and running northerly by a curve and tangent to the south line of Market street at a point 143.5 feet west of the west line of Sacramento street.

Sec. 2. The rights and privileges granted to said railroad company are dependent for their continuance and validity upon the performance by said railroad company of the following conditions, to-wit:

First—The said railroad company shall construct and maintain the tracks and roadbeds hereinbefore mentioned to the official grade of the streets of said city when required to do so by the order of the City Council.

Second—The said railroad company shall keep the roadbeds and tracks aforesaid in good condition, with proper slope where the tracks or roadbeds cross any of the streets herein mentioned, to enable teams to cross, pass and repass over the same, and at such crossings shall keep the streets in good repair between the tracks and along and within the distance of two (2) feet upon each side of the tracks occupied by said company.

Third—The said company in laying and maintaining the tracks and roadbeds herein described and operating the same shall not unnecessarily obstruct thereby the free use of said streets.

Sec. 3. At no time shall the cars or trains of said company be allowed to stand upon and across any street crossing except for the purpose of operating the same, and then not longer than ten (10) minutes for any one time.

Sec. 4. If the said Central Pacific Railroad Company shall fail for thirty (30) days after the passage of this Ordinance to accept in-

writing duly filed with the City Clerk of said city the right of way and privileges herein granted, or to commence in good faith and duly prosecute the projection of said roadbed and tracks within one hundred and fifty (150) days after the passage and approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant to said company and shall become void.

Sec. 5. This grant and the privileges conveyed shall continue and exist for the period of twenty-five years from date of the acceptance by the Central Pacific Railroad Company, unless sooner amended or revoked by a failure of the company to observe the provisions hereof.

ORDINANCE No. 112.

(Approved May 26, 1893.)

Granting to the Central Pacific Railroad Company, Its Successors and Assigns, the Right of Way On, Over and Across Certain Streets, for the Purpose of Laying and Maintaining Certain Railroad Tracks Thereon.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Pacific Railroad Company, its successors or assigns, the right of way, so far as it lies within the power of the City Council to grant it, for its roadbed, with the privilege of running and operating cars and steam locomotives, the following railroad bed and tracks, to-wit:

First—A siding on the easterly side of the main track and thirteen feet distant from the main track on Sacramento street, commencing at a point 100 feet south of the south line of Miner avenue, and thence continuing and running northerly on said Sacramento street to the north line of Lindsay street.

Second—Also a spur track switching out from the sidetrack hereinbefore mentioned at a point about ten feet south of the south line of Miner avenue, and thence running across said Miner avenue to a point on the north line of said Miner avenue twenty feet east of the east line of Sacramento street.

Sec. 2. The rights and privileges hereby granted to said railroad company are dependent for their continuance and validity upon the performance by said company, its successors or assigns, of the following conditions, to-wit:

First—The said railroad company, its successors or assigns, shall construct and maintain the tracks and roadbed hereinbefore mentioned upon said streets to the official grade thereof when required to do so by order of the said City Council.

Second—Said railroad company, its successors or assigns, shall keep the roadbed and tracks aforesaid in good condition, with proper slope where the tracks or roadbeds cross any of the streets herein mentioned, so as to enable teams and carriages to cross, recross and pass over the same, and at such crossings shall keep the streets in good repair between the tracks and along and within the distance of two feet upon each side of the track occupied by said company, its successors or assigns.

Third—The said company, its successors or assigns, in laying and maintaining the tracks and roadbeds herein described, and in operating the same, shall not unnecessarily obstruct thereby the free use of said streets.

Sec. 3. At no time shall the cars or trains of said company, its successors or assigns, be allowed to stand upon any street crossing, except for the purpose of operating the same, and then not longer than ten minutes at any one time.

Sec. 4. If the said Central Pacific Railroad Company shall fail for thirty days after the passage of this Ordinance, to accept in writing, duly filed with the City Clerk of the City of Stockton, the right of way and privileges herein granted, or to commence in good faith and duly prosecute the projection of said roadbed and tracks within 150 days after the passage and approval of this Ordinance, then this Ordinance shall be of no force or effect as a grant to said company, and shall become void.

Sec. 5. This grant shall continue to exist and be in force for twenty-five years from the date of the acceptance by the Central Pacific Railroad Company, unless sooner revoked by the failure of the company to observe the provisions hereof.

ORDINANCE No. 262.

(Approved June 29, 1900.)

An Ordinance Granting to the Central Pacific Railway Company for the Term of Twenty-five (25) Years From the Twelfth Day of June, 1900, the Franchise, Right and Privilege to Lay and Maintain a Roadbed and Railroad Track, With the Privilege of Running and Operating Locomotives and Cars by Steam Thereon, Upon and Across Certain Streets in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Central Pacific Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of Utah, as far as it lies in the power of the said City of Stockton to grant the same, for the term of twenty-five (25) years from and after the twelfth day of June, 1900, subject to all the terms and conditions hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets in the said City of Stockton as hereinafter described, a roadbed and railroad track, with the privilege of running and operating locomotives and cars by steam thereon; which said streets and portions of streets in said City of Stockton are described as follows, to-wit:

Commencing at a point upon the existing siding of the Central Pacific Railroad on Sacramento street, between Hazelton avenue and Church street, about 95 feet north of the north line of Hazelton avenue, thence extending southerly along Sacramento street, within the curb lines thereof, to the northerly line of Hazelton avenue, thence across said avenue in a southerly direction about 115 feet to a connection with a sidetrack between Hazelton and Scott's avenues—said sidetrack being parallel to the main line of the Central Pacific Railroad and not more than 42 feet easterly therefrom and so located as not to encroach on the official sidewalk on the easterly side of Sacramento street between Hazelton and Scott's avenues.

Sec. 2. The rights and privileges hereby granted to said Central Pacific Railway Company are dependent for their continuance and validity upon the performance by said company, its successors or assigns, of the following conditions, to-wit:

First—The said railway company, its successors or assigns, shall construct and maintain the tracks and roadbeds hereinbefore mentioned on said streets to the official grade thereof when required to do so by order of the said City Council.

Second—Said railway company, its successors or assigns, shall keep the roadbed and track aforesaid in good condition, with proper slope where the track or roadbed crosses any of the streets herein mentioned, so as to enable teams and carriages to cross, recross and pass over the same, and at such crossings shall keep the streets in good repair between the tracks and along and within the distance of two feet upon each side of the track occupied by said company, its successors or assigns.

Third—The said company, its successors or assigns, in laying and maintaining the track and roadbed herein described and in running and operating locomotives and cars thereon, shall not unnecessarily obstruct thereby the free use of said streets.

Sec. 3. At no time shall the cars or trains of said company, its successors or assigns, be allowed to stand upon any street crossing except for the purpose of operating the same, and then not longer than ten minutes at any one time.

Sec. 4. If the said Central Pacific Railway Company shall fail for thirty days after the passage of this Ordinance to accept in writing, duly filed with the City Clerk of the City of Stockton, the franchise and privilege herein granted, or to commence in good faith and duly prosecute the construction of its said roadbed and track within sixty days from the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 294.

(Approved June 1, 1901.) O. B. 6—116.

Granting to the Central Pacific Railway the Right to Lay Down, Maintain and Operate a Railroad Upon, Along and Across Certain Streets and Levees in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Pacific Railway Company, a railroad corporation incorporated, organized and existing under the laws of the State of Utah, its successors and assigns, the right to lay down, maintain and operate by means of steam locomotives, electricity or other lawful motive power, for the term of fifty (50) years from and after the passage of this Ordinance, a single-track railroad, with all necessary switches, turnouts, spurs and sidings, along, across and upon certain public streets and levees of the City of Stockton, said single track, spurs and sidings to be located as follows:

A single track commencing at a point in Sacramento street one hundred and twenty (120) feet south of the south line of Scott's avenue, thence curving to the left across Scott's avenue through the block bounded by Scott's and Hazelton avenues, Aurora and Sacramento streets, to Hazelton avenue, thence west along the center line of Hazelton avenue to the westerly line of El Dorado street, thence in a general westerly and northwesterly direction

along and across Hazelton avenue and Mormon levee to the northerly line of Hazelton avenue, thence along Mormon levee in a general northwesterly direction to a point west of Monroe street and south of block U (such track to be at no point less than fifty (50) feet from the official line of Mormon Channel), thence turning to the right through block U into Van Buren street, thence along the center line of said street to a point between Main street and Weber avenue, thence turning to the left through block E to Weber avenue, connecting thereon between Van Buren and Lincoln streets with the tracks of the Southern Pacific Railroad of California now in place on such avenue.

A spur track beginning one hundred and sixty (160) feet east of the east line of Center street on Hazelton avenue, thence running in a general westerly and northwesterly direction for about three hundred and forty (340) feet along and across Hazelton avenue to the north line thereof.

A spur track beginning twenty (20) feet west of the west line of Center street on Hazelton avenue and running thence in a general westerly direction five hundred (500) feet, more or less, along Hazelton avenue and Mormon levee.

A spur track beginning at a point on the principal track of the Central Pacific Railway upon Hazelton avenue forty (40) feet west of the west line of El Dorado street, thence running southwesterly along and across Hazelton avenue, Center street and Mormon Channel on a curve to the left having a radius of five hundred and twenty-four and thirty-five one-hundredths (524 35-100) feet for a distance of five hundred and sixteen (516) feet; thence on a straight line tangent to the aforesaid curve seventy-two (72) feet; thence on a curve to the right having a radius of three hundred and eighty-two and twenty-four one-hundredths (382 24-100) feet into and along Scott's avenue four hundred and seventy-eight (478) feet, more or less, to a point, thence westerly on a tangent to said curve two hundred and ninety (290) feet, more or less, thence on a curve to the left having a radius of seven hundred and sixteen and thirty-four one-hundredths (716 34-100) feet, to the center line of Scott's avenue west of Monroe street; thence westerly along said center line of Scott's avenue a distance of nineteen hundred and seventy-two (1,972) feet to the channel known as "Buell Canal."

A spur track beginning at a point on the last above described spur track sixty-two (62) feet east of the west line of Madison street and running thence westerly along Scott's avenue parallel to and eighteen (18) feet from the southerly line from such avenue to the easterly line of Monroe street, a distance of about three hundred and sixty (360) feet.

A spur track switching to the left out of the same spur track from which the spur track last above named begins and at a point about five hundred and twenty (520) feet, measured southwesterly, along said first-named spur track from the point of its junction with the principal track of the Central Pacific Railway on Hazelton avenue and running southerly on a curved line across Mormon Channel, Scott's levee and Scott's avenue a distance of three hundred and ten (310) feet, more or less, to a point on the south side of Scott's avenue about one hundred and seventy-five (175) feet west of the west line of Center street.

A spur track beginning at a point on the single track along Hazelton avenue first above described about one hundred and sixty-five

(165) feet westerly from and at right angles to the westerly line of Commerce street, thence curving to the right and running northerly along Mormon levee or Madison street about twenty-six (26) feet west of and parallel to the westerly line of blocks 16 2-3 and 16 1-3, a distance of six hundred (600) feet more or less.

A spur track connecting with the single track first described above in block U and running thence across Van Buren street and Mormon levee in a northwesterly direction to a point on the south line of Lafayette street about seventy (70) feet west of the southwest corner of Lafayette and Van Buren streets.

Sec. 2. The rights and privileges hereby granted to said railroad company are dependent for their continuance and validity upon the performance by said company, its successors or assigns, of the following conditions, to-wit:

First—The said railroad company, its succesors or assigns, shall construct and maintain the tracks and roadbeds herein before mentioned upon said streets to the official grade thereof when required to do so by order of the said City Council.

Second—The said railroad company, its successors or assigns, shall keep the roadbeds and tracks aforesaid in good condition, with proper slope where the tracks or roadbed cross any of the streets herein mentioned so as to enable teams and carriages to cross, recross and pass over the same. Said corporation shall, upon the order of the said City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile with such material as shall be ordered by said council, any and all portions of the said streets along which its said tracks are laid between the rails thereof, and for a width extending two feet on each side of said tracks. The said company, its successors or assigns, in laying and maintaining the tracks and roadbeds herein described, and in operating the same, shall not unnecessarily obstruct thereby the free use of said streets.

Sec. 3. At no time shall the cars or trains of said company, its successors or assigns, be allowed to stand upon any street crossing, except for the purpose of operating the same, and then not longer than ten minutes at any one time.

Sec. 4. If the said Central Pacific Railway Company shall fail for thirty days after the passage of this Ordinance to accept, in writing, duly filed with the City Clerk of the City of Stockton, the right of way and privileges herein granted, or to commence in good faith and duly prosecute the construction of said roadbed and tracks within one hundred and fifty (150) days after the passage and approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant to said company and shall become void.

Sec. 5. The said Central Pacific Railway Company must also as a further condition of the granting of the aforesaid privileges arrange with the Southern Pacific Railroad Company for and secure the removal within thirty (30) days after the completion of the tracks hereinbefore described, of the track or tracks owned and operated by said Southern Pacific Railroad Company upon Weber avenue, between the east line of Aurora street and a point one hundred (100) feet west of the west line of El Dorado street, said portion of Weber avenue

from which said track or tracks are removed to be left in good and passable condition; also for the abandonment for railroad purposes by said Southern Pacific Railroad Company of the aforesaid portion of Weber avenue.

Sec. 6. The Central Pacific Railway Company must also as a further condition of the granting of the aforesaid privileges grade Van Buren street between Weber avenue and Lafayette street to the official grade for the full width of said thoroughfare between property lines.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 295.

(Approved June 1, 1901.) O. B. 6—121.

Granting to the Central Pacific Railway Company the Right to Lay Down, Maintain and Operate a Railroad Upon, Along and Across Sacramento and Other Streets in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Pacific Railway Company, a railroad corporation, incorporated, organized and existing under the laws of the State of Utah, its successors and assigns, the right to lay down, maintain and operate by means of steam locomotives, electricity or other lawful motive power, for the term of fifty years from and after the passage of this Ordinance, the following described sidetracks and spurs, to-wit:

A sidetrack commencing at a point on Sacramento street one hundred and thirty (130) feet north of the north line of Taylor street, and running thence along Sacramento street, on the easterly side thereof, twenty-six (26) feet from and parallel to the main track of the Central Pacific Railway on such thoroughfare to a connection with existing sidings a short distance north of the north line of Lafayette street.

A sidetrack beginning at a point on Sacramento street at its intersection with Scott's avenue (said track to connect with the track running westerly toward and along Hazelton avenue), thence running northerly along the westerly side of Sacramento street thirteen (13) feet from and parallel to the main track of the Central Pacific Railway to a connection with existing sidetrack of such company about one hundred and seventy-five (175) feet north of the north line of Church street. A spur track beginning at a point on the last above described sidetrack at the northerly line of Hazelton avenue and running northerly along Sacramento street approximately parallel to and eleven (11) feet distant from said sidetrack to the southerly line of Church street, a distance of about three hundred (300) feet.

A single track beginning at a point on Sacramento street on one of the existing sidings of the Central Pacific Railway thirty (30) feet north of the north line of Main street and curving thence to the east across Sacramento street through block 236 to a connection on Weber avenue with the main line of the Southern Pacific Railroad of California on such street at a point located about fifty (50) feet east of the west line of Union street.

A spur track commencing on Sacramento street at a point twenty (20) feet north of the south line of Miner avenue and running thence

to the left on a curved line a distance of about two hundred and twenty (220) feet to a point on the west line of Sacramento street one hundred and thirty (130) feet north of the north line of Miner avenue.

A spur track (being an extension of existing spur in block 242) to cross Main street about midway between Sacramento and Union streets.

A spur track beginning at a point on Sacramento street on one of the sidetracks of the Central Pacific Railway about fifty (50) feet south of the south line of Lafayette street and running thence along Sacramento street and across Lafayette street into the property of the Central Pacific Railway in block 254.

Sec. 2. The rights and privileges granted to said railroad company are dependent for their continuance and validity upon the performance by the said railroad company of the following conditions, to-wit:

First—The said railroad company shall construct and maintain the tracks and roadbeds hereinbefore mentioned to the official grade of the streets of said city when required to do so by order of the City Council.

Second—The said railroad company shall keep the tracks and roadbeds aforesaid in good condition, with proper slope where the tracks or roadbeds cross any of the streets herein mentioned to enable teams to cross, pass and repass over the same. And said corporation shall, upon the order of the said City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council, any or all portions of the said street along which the aforesaid track is laid between the rails thereof, and for a width extending two (2) feet on each side of said track.

Third—The said company, in laying and maintaining the tracks and roadbeds herein described and operating the same, shall not unnecessarily obstruct thereby the free use of said streets.

Sec. 3. At no time shall the cars or trains of said company be allowed to stand upon and across any street crossing except for the purpose of operating the same, and then not longer than ten minutes for any one time.

Sec. 4. If the said Central Pacific Railway Company shall fail for thirty (30) days after the passage of this Ordinance to accept in writing, duly filed with the City Clerk of the City of Stockton, the right of way and privileges herein granted or to commence in good faith and duly prosecute the construction of said roadbed and tracks within one hundred and eighty (180) days after the passage and approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant to said company and shall become void.

Sec. 5. This ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 39.

Granting to Parties Herein Named the Privilege to Construct a Railroad in the City of Stockton.

(Being originally No. 72, approved April 3, 1878.)

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. There is hereby granted to J. F. Miller and such other persons as may be associated with him, his and their grantees and

assigns, in accordance with and subject to the provisions of Title IV of Part IV of Division First of the Civil Code, the right to lay down and maintain for the term of twenty-five years from and after the passage of this Ordinance, a single-track railway, with all necessary and convenient tracks for curves, turnouts, switches, sidetracks and appendages, in, on, over and along the following-named streets and levees in said City of Stockton—that is to say, commencing at the tangent point of the curve in the sidetrack on Mormon avenue extending from the track of the Central Pacific Railroad Company, said point being 43½ feet east of the east line of Center street and 71 feet south of the north line of Mormon avenue; thence continuing on a compound curve of 76 degrees, 46 minutes, 30 seconds curvature, about 535 feet to the second door in Potter's warehouse, at a point about 175 feet west from the southwest corner of Center street and Scott's avenue, the construction of said road actually and in good faith to be commenced within three months from the date of this Ordinance and to be completed on or before one year from and after this date.

Sec. 2. The owners of said railroad or their agents shall, upon order of the Street Commissioner of said city, or the order of said Council, plank, pave or macadamize any of that portion of Mormon avenue or Scott's avenue along which their track shall be laid, the whole length thereof, between the rails and track, and for a width extending five feet on each side of the track, and keep the same, including crossings, constantly in repair, flush with the street, and in case said crossings are taken up they must forthwith be replaced and the work of laying the same must be done in each case under the direction of the Street Commissioner of said city, and to the satisfaction of the Street Committee of this Council, and in no case shall said grantee be permitted to run or operate said road until the manner of laying the said track has been approved by the Street Commissioner and the said Street Committee.

Sec. 3. At no time shall said railroad cars be allowed to stand across any street crossing, nor shall said cars be allowed to stand on any street, except for the purpose of operating the same, and then not longer than fifteen minutes at any one time.

Sec. 4. Whenever the interests of commerce and the navigation of Mormon Channel demand the same, the said J. F. Miller, his associates, grantees or assigns, shall forthwith, upon the order of this Council, place and construct in said trackway across said channel a good and sufficient drawbridge, for the purpose of navigation on said channel, and shall thereafter maintain the same in good working order at his or their own proper charge and expense, and under the direction of this Council.

Sec. 5. A failure to comply with the provisions of this Ordinance relating to the times fixed respectively for the commencement and completion of the construction of said railroad work a forfeiture of the right of way and all the privileges herein granted.

Sec. 6. This Ordinance shall be of no effect to vest the rights and privileges herein granted or delegated unless said J. F. Miller, on behalf of himself and associates, and all others claiming by, through or under him and them, shall, within thirty days after the passage thereof, accept the grants and privileges herein and hereby granted and extended, together with all and singular the provisions, restrictions and conditions set forth and incident thereto, and file within such time a copy of such acceptance with the City Clerk.

ORDINANCE No. 152.

(Approved June 18, 1895.)

An Ordinance Granting to the San Francisco and San Joaquin Valley Railway Company, Its Successors and Assigns, for a Term of Fifty Years From the Twenty-Sixth Day of February, 1895, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks and to Pass With and Operate a Steam Railroad Along, Upon and Across Certain Streets and Portions of Streets, Levees and Portions of Levees and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the San Francisco and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of fifty years from the twenty-sixth day of February, 1895, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets, levees and portions of levees and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all the necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon; which said streets and portions of streets, levees and portions of levees and other places in the said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

On Taylor street, from the east line of East street to the west line of Edison street, for a double track, the center lines of tracks to be eighteen (18) feet apart, placed equal distances each side of the center line of the street.

On Edison street, from the south line of South street to the south line of Weber avenue, for a double track, the center lines of tracks to be eighteen (18) feet apart, placed equal distances each side of the center line of the street.

On Weber avenue, from the east line of Madison street to the west line of the city boundary, for a single track, the center line to be eighteen (18) feet north and parallel to the main line of the Stockton and Copperopolis Railroad on said avenue, where said Stockton and Copperopolis Railroad is now constructed on said avenue, and in center of avenue, where no railroad now exists.

For a spur track beginning on Taylor street about one hundred and twenty-five (125) feet east of the east line of Hunter street; running thence in a curved line northeasterly across Taylor and Hunter streets through block 22, south of Mormon Channel; thence diagonally across El Dorado street, block 21, south of Mormon Channel and Scott's

avenue, to the center line of Center street; thence in a curved line with five hundred and seventy-four (574) feet radius, across Center street, Scott's avenue, Scott's levee, Mormon Channel, Mormon levee and across Hazelton avenue to the center line of Commerce street on the north line of Hazelton avenue.

On Scott's avenue, for a double track from the west line of Hunter street to the west line of Madison street, the center lines of track to be sixty (60) feet and forty-two (42) feet, respectively, from and parallel to the south line of Scott's avenue.

For a spur track beginning on Scott's avenue about twenty (20) feet east of the east line of Commerce street; running thence in a northwesterly direction on a curved line with a radius of five hundred and seventy-four (574) feet across Scott's avenue and Scott's levee to Madison street, on Scott's levee; thence diagonally across Madison street and Scott's levee to the east line of block 13½ south of Mormon Channel; thence on a curved line radius five hundred and seventy-four (574) feet across block 13½, south of Mormon Channel, and across Monroe street to the center line of Kearny street at a point about one hundred and fifty (150) feet west of the west line of Monroe street; thence westerly along the center line of Kearny street to the west line of Edison street.

For a siding on Taylor street from the east line of Hunter street to the west line of Edison street, the center line to be twenty-two (22) feet north of the center line of Taylor street.

For a single track beginning on Taylor street one hundred and fifty (150) feet east of the east line of Harrison street and extending northwesterly on a curved line with five hundred and seventy-four (574) feet radius across Taylor and Harrison streets, across block fourteen (14), south of Mormon Channel, across Scott's avenue and across Edison street to a point in Edison street about one hundred and seventy (170) feet north of the north line of Scott's avenue; said track to connect the tracks on Edison and Taylor streets.

For a double track beginning at a point on Taylor street about one hundred and fifty (150) feet east of the east line of Harrison street and extending southwesterly in a curved line with radius of five hundred and seventy-four (574) feet across Taylor street, Harrison street, block 29, south of Mormon Channel, across Worth street to a point on Edison street about one hundred and seventy (170) feet south of the south line of Worth street, said track to connect the tracks on Taylor and Edison streets.

For a single track beginning at a point on Edison street about one hundred and seventy (170) feet south of the south line of Main street; thence in a northeasterly direction in a curved line with a radius of five hundred and seventy-four (574) feet across Edison street, Main street, block G, west of Center street, and Weber avenue, to a point about one hundred and fifty (150) feet east of the east line of Harrison street, said track to connect the tracks on Edison street and on Weber avenue.

For a single track extending from a point on Edison street about the center line of Main street in a northwesterly direction on a curved line with a radius of three hundred and seventy-five (375) feet across Edison street, a lot belonging to C. M. Weber and Julia H. Weber, across Weber avenue to a point about three hundred and fifty (350) feet west of the west line of Edison street. This track to connect the tracks on Edison street and Weber avenue.

For a spur from a point on Weber avenue about four hundred (400) feet east of the west city boundary; thence northwesterly on a curved line across Weber avenue to the property of the Stockton Water-Front Company. Switches situate at intersections of all of said tracks.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain their said roadbeds in said City of Stockton to the official grade of the said streets, levees and other places, and shall not construct or raise any portion of its roadbeds to a greater height than said official grades, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets or levees of said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton or the Board of Public Works thereof, or the Superintendent of Streets, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said streets and levees along which their tracks are laid between the rails thereof and for a width of two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. They shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street, or levee or portion of levees, or other places where the said track or tracks are laid, until the same have been approved by the Superintendent of Streets or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof or repairing said railroad or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a period longer than thirty working days, and at the expiration of said thirty days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street or levee or portion thereof as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches are to be secured by said corporation from the owners of such property.

Sec. 6. Said corporation shall, in crossing Mormon Channel, in said City of Stockton, build and construct a good and substantial trackway or bridge, with a good and sufficient drawbridge, for the purposes of navigation on said Mormon Channel, and shall thereafter maintain the same in good working order at its own expense and under the control and direction of the City Council of the City of Stockton, so far as said City Council may have the right to control the same, and shall obtain, before the construction thereof, from the proper authorities of the United States. the consent of the Government of the United States to build and maintain such a trackway or bridge across the said Mormon Channel.

Sec. 7. If the said corporation shall fail for thirty days to accept in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 8. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 158.

(Approved August 30, 1895.)

An Ordinancce Granting to the Alameda and San Joaquin Railroad Company, Its Successors and Assigns, for the Term of Forty-Nine Years From and After the Twenty-Sixth Day of June, 1895, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks. and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets and Portions of Levees and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Alameda and San Joaquin Railroad Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the city and county of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of forty-nine years, from the 26th day of June, 1895, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets, levees and portions of levees, and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam, or other motive power, railroad thereon, and to construct and

maintain thereon a roadbed of standard broad-guage width, and to lay down and maintain thereon a track or tracks of standard width, together with all necessary curves, side tracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon; which said streets and portions of streets, levees and portions of levees and other places in the said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, side tracks, spurs, curves and switches are described as follows, to-wit:

For a single track along the center line of Hunter street, from the south line of South street to the north line of Scott's avenue.

For a single track along the center line of Hazelton avenue, from the east line of East street to the east line of Aurora street; thence deflecting south with a curvature and reverse curvature of five hundred and seventy-four (574) feet radii to a line eighteen (18) feet south of the center line of track laid and maintained on said Hazelton avenue by the Central Pacific Railroad Company under Ordinance No. 36 (being originally Ordinance No. 61, approved June 21st, 1877), granted by the City Council of the City of Stockton to the Central Pacific Railroad Company; thence along said Hazelton avenue for center line of track, and eighteen (18) feet south of the center line of the aforesaid track of said Central Pacific Railroad Company, to the west line of Center street; thence along Mormon levee for center line of said track eighteen (18) feet south of and parallel to said center line of track of the said Central Pacific Railroad Company, to the north line of Hazelton avenue produced; thence continuing along Mormon levee at a minimum distance of fifty (50) feet from the right or northerly bank of Mormon Channel to a point on the south line of block S, west of Center street, and about one hundred and twenty (120) feet east of the east line of Harrison street; thence northwesterly along a curve to the right of four hundred and ten (410) feet radius across said block S, west of Center street, Washington street and Harrison street, to a point in the center line of Harrison street about one hundred and fifty (150) feet north of the north line of Washington street; thence along the center line of said Harrison street to a point about one hundred and seventy-five (175) feet south of the south line of Main street; thence northwesterly along a curve to the left of five hundred and seventy-four (574) feet radius across Main street, Harrison street, block G, west of Center street, and Weber avenue to a point eighteen (18) feet south of the center line of said Weber avenue; thence along said Weber avenue, and Weber avenue produced, eighteen (18) feet south of and parallel to the center lines thereof to the westerly limits of the City of Stockton.

For a single track extending from a point in the center line of Hunter street about eighty (80) feet north of the south line of Scott's avenue in a northeasterly direction on a curve with radius of four hundred and ten (410) feet across Hunter street, Scott's avenue, block B, east of Center street, and Hazelton avenue, to a point near the east line of San Joaquin street and eighteen (18) feet south of the center line of Hazelton avenue, said track to connect the tracks on Hunter street and Hazelton avenue.

For a single track extending from a point in center line of Hunter street, about eighty (80) feet north of the south line of Scott's avenue, in a northwesterly direction, on a curve with radius of four hundred and ten (410) feet, across Hunter street, Scott's avenue, block G, east of Center street, and Hazelton avenue, to a point about one hundred and fifty (150) feet west of the west line of El Dorado street, said track to connect the tracks on Hunter street and Hazelton avenue.

For a switch track on Hazelton avenue, commencing at the east line of El Dorado street and running thence northeasterly and connecting at the west line of Hunter street with the track laid and maintained on said Hazelton avenue by the Central Pacific Railroad Company under Ordinance No. 36 (being originally Ordinance No. 61, approved June 21st, 1877), granted by the City Council of the City of Stockton to the Central Pacific Railroad Company.

For a switch track on the northeast side of the main track on Mormon levee, commencing at a point on said levee eighteen (18) feet west of the center line of the track laid and maintained on said levee by the Central Pacific Railroad Company under Ordinance No. 36 (being originally Ordinance No. 61, approved June 21, 1877), granted by the City Council of the City of Stockton to the Central Pacific Railroad Company, and on the north line of Hazelton avenue produced, and running thence northwesterly and connecting again with said main track at or near the east line of Monroe street.

For a spur track commencing on Mormon levee at the west line of Lincoln street, and running thence northwesterly and westerly along said Mormon levee to a point one hundred and five (105) feet west to the west line of Harrison street.

For a single track commencing at a point on Weber avenue produced, about eight hundred (800) feet west of the west line of Edison street; thence deflecting south on a curve of five hundred and seventy-four (574) feet radius, across said Weber avenue produced, to a point about two hundred and twenty (220) feet northerly from the north bank of Mormon channel; thence southwesterly over and along lands of the Stockton Water-front tract, at a mean distance of about two hundred and twenty (220) feet from the right or northerly bank of Mormon Channel to the westerly limits of the City of Stockton.

For a single track commencing for the center line thereof at a point about one hundred and fifty (150) feet west of the west line of Edison street, and eighteen (18) feet south of the center line of Weber avenue, and running thence easterly along said Weber avenue to a point on the east line of Edison street thirty-one (31) feet south of the center line of Weber avenue; thence continuing easterly along said Weber avenue and thirty-one (31) feet south of the center line thereof, to a point one hundred and twenty-five (125) feet west of the west line of Lincoln street; thence deflecting northerly to a point fifty (50) feet west of the west line of Lincoln street, and eighteen (18) feet south of the center line of Weber avenue; thence continuing easterly along said Weber avenue and eighteen (18) feet south of the center line thereof to the west line of Van Buren street; thence northeasterly on a curve, to the left, of five hundred and seventy-four (574) feet radius, one hundred and seventy-two and two-tenths (172.2) feet; thence northeasterly along a tangent to said curve, forty-two (42) feet; thence northeasterly and easterly along a curve of four hundred and seventy-eight (478) feet radius, one hundred and eighty-eight and two tenths (188.2) feet; thence easterly along a tangent to said curve of four hundred and seventy-eight (478) feet radius, twenty-four (24) feet; thence easterly along a curve of nine hundred and fifty-five (955) feet radius, eighty-nine and three-tenths (89.3) feet, to a point thirty-three (33) feet north of the center line of said Weber avenue; thence easterly parallel to and thirty-three (33) feet north of the center line of said Weber avenue, to a point one hundred (100) feet west of the west line of Madison street.

For a switch track commencing at a point near the west line of Edison street, and running thence northwesterly across Weber avenue

to connect with the tracks of the Central Pacific Railroad Company, Southern Pacific Railroad Company, and the San Francisco and San Joaquin Valley Railway Company at points within not more than five hundred (500) feet west of the west line of Edison street.

For a spur track commencing at a point on Mormon levee near the east line of Monroe street and running thence southeasterly along said Mormon levee to the east line of Madison street, to connect with the track laid and maintained on said Mormon levee by the Central Pacific Railroad Company under Ordinance No. 36 (being originally Ordinance No. 61, approved June 21, 1877), granted by the City Council of the City of Stockton to the Central Pacific Railroad Company.

For a switch track commencing at a point in block B, east of Center street, about thirty (30) feet east of Hunter street and one hundred and thirty (130) feet north of the north line of Scott's avenue, and running thence southwesterly on a curve of four hundred and ten (410) feet radius to connect with the north track of the San Francisco and San Joaquin Valley Railway Company on Scott's avenue.

For a spur track commencing at a point on the south side of block S, west of Center streeet and about one hundred and twenty (120) feet east of the east line of Harrison street, and running thence northwesterly to the northwest corner of said block S, west of Center street.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbeds in said City of Stockton to the official grade of the said streets, levees and other places in said City of Stockton, and shall not construct or raise any portion of its roadbeds to a greater height than said official grade, unless with permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets or levees in said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets thereof, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel,

plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the said City of Stockton, any and all portions of the said streets and levees along which their tracks are laid between the rails thereof and for a width extending two feet on each side of said tracks, and between the tracks of the aforesaid corporation where the same are double tracks; also between the rails, and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street, or levee or portion of levee, or other places in the City of Stockton where the said track or tracks are laid until the same shall have been approved by the Superintendent of Streets and by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, or repairing said railroad, or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a period longer than thirty working days, and at the expiration of said thirty days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind and leave the street or levee, or portion thereof, as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. Said corporaation shall, in crossing Mormon Channel, in said City of Stockton, build and construct a good and substantial trackway or bridge, and shall thereafter maintain the same in good working order at its own expense, and under the control and direction of the City Council of the City of Stockton, so far as said City Council may have the right to control the same.

Sec. 7. If the said corporation shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 8. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 160.

(Approved November 26, 1895.)

An Ordinance Granting to the San Francisco and San Joaquin Valley Railway Company, Its Successors and Assigns, for a Term of Fifty Years From the Twenty-Sixth Day of February, 1895, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across a Certain Street and Portion of Street in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the San Francisco and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of fifty years from the twenty-sixth day of February, 1895, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the street and portion of street, in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, a track, and to pass with and operate a steam or other motive power railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track of standard width, with necessary switches, and to run locomotives and cars thereon; which said street and portion of street in the said City of Stockton, County of San Joaquin, State of California, and the said roadbed and track are described as follows, to-wit:

On Weber avenue, beginning at a point on Weber avenue on the east line of Madison street, eighteen (18) feet north of the center line of the track of the Stockton and Copperopolis Railroad, as the same is now constructed on said Weber avenue; thence in an easterly direction along Weber avenue on a curved line to the right to a point one hundred and fifty (150) feet easterly from the east line of Madison street and fifteen (15) feet north of the center line of the Stockton and Copperopolis Railroad, where the same is constructed on said Weber avenue.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbed and track to the official grade of the said street, and shall not construct or raise any portion of its roadbed or track to a greater height than said official grade, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and shall not for that or any other purpose remove any earth from or make any excavations in any part of the said street in said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts, if the same shall be hereafter ordered by the City Council of the City of Stockton.

Second—Said corporation shall construct suitable culverts, if the same shall be hereafter ordered by the City Council of the City of Stockton, for the passage of water at such points on said roadbed as shall be selected by the City Council of the City of Stockton or the Board of Public Works thereof or the Superintendent of Streets, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said street along which its track is laid, between the rails thereof, and for a width extending two feet on each side of said track. They shall keep the same. including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street, where the said track is laid, until the same has been approved by the Superintendent of Streets, or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying other than the original construction thereof, or repairing said railroad or any part thereof, the said street and portion of street shall not be obstructed at any one time for a period longer than ten working days, and at the expiration of said ten days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street or portion thereof as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its said roadbed and track in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. If the said corporation shall fail for thirty days to accept in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within thirty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 6. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 178.

(Approved November 27, 1896.)

An Ordinance Granting to the Alameda and San Joaquin Railroad Company, Its Successors and Assigns, for the Term of Forty-Nine Years From and After the Twenty-Sixth Day of June, 1895, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With, and Operate, a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets and Portions of Streets, Levees and Portions of Levees, and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Alameda and San Joaquin Railroad Company, a railroad corporation duly organ-

ized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of forty-nine years from the twenty-sixth day of June, 1895, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets, and portions of streets, levees, and portions of levees, and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam or other motive power railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon, which said streets, and portions of streets, levees, and portions of levees, and other places in the said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

For two sidetracks, respectively thirty-one (31) and forty-four (44) feet south of, and parallel to, the center line of Hazelton avenue, connecting with the present track of said Alameda and San Joaquin Railroad Company between the east line of El Dorado street and the west line of San Joaquin street.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain their said roadbeds in said City of Stockton to the official grade of said streets, levees and other places in said City of Stockton, and shall not construct or raise any portion of its roadbeds to a greater height than said official grade unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said roadbed for a greater distance than 300 feet on each side of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets or levees in said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets thereof, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the said City of Stockton, any and all portions of the said streets and levees along which their tracks are laid between the rails thereof and for a width extending two feet on each side of said tracks, and between the tracks of the aforesaid corporation where the same are double tracks; also between the rails, and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossing are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street, or levee, or portion of levee, or other places in the City of Stockton where the said track or tracks are laid until the same shall have been approved by the Superintendent of Streets and by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, or repairing said railroad, or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a period longer than thirty working days, and at the expiration of said thirty days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street or levee, or portion thereof, as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 179.

(Approved December 14, 1896.)

An Ordinance Granting to the Alameda and San Joaquin Railroad Company, Its Successors and Assigns, for the Term of Forty-Nine Years From and After the Twenty-Sixth Day of June, 1895, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets, and Portions of Streets, Levees, and Portions of Levees, and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Alameda and San Joaquin Railroad Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of forty-nine years from the twenty-sixth day of June, 1895, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets, levees and portions of levees, and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam or other motive power railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon, which said streets and portions of streets, levees and portions of levees, and other places in the said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

1. For a single track, commencing for center line of same at a point eighteen (18) feet south of the center line of Weber avenue, and about six hundred and eighty (680) feet west of the west line of Edison street, and on line of track included in franchise for railroad on Weber avenue granted to the Alameda and San Joaquin Railroad Company by the City Council of the City of Stockton by Ordinance No. 158, approved August 30th, 1895, and run thence along a curve to the right, of seven hundred and sixty-four (764) feet radius, one hundred (100) feet; thence along a tangent to said curve about eighty-eight (88) feet; thence along a curve to the left, of seven hundred and sixty-four (764) feet radius, one hundred (100) feet to a point thirteen (13) feet north of the center line of said Weber avenue, and about on line between lands of the California Navigation and Improvement Company and Farmers' Union and Milling Company; thence westerly along said Weber avenue thirteen (13) feet north of, and parallel to the center line thereof, to a point about four hundred (400) feet east of the westerly limits of the City of Stockton; thence northwesterly along a curve to the right, of four hundred and ten (410) feet radius, to the north line of said Weber avenue.

2. For a switch or sidetrack, commencing at a point on the above-described track thirteen (13) feet north of the center line of

said Weber avenue, and on line produced between lands of said California Navigation and Improvement Company and said Farmers' Union and Milling Company and about nine hundred and seventy (970) feet west of the west line of Edison street, and run thence northwesterly along reverse curves first to the right and then to the left, of seven hundred and sixty-four (764) feet radius, about two hundred (200) feet to a point on said Weber avenue twenty-six (26) feet north of the center line thereof, and run thence westerly twenty-six (26) feet north of and parallel to the center line of said Weber avenue to a point about four hundred and eighty (480) feet east of the westerly limits of the City of Stockton; thence northwesterly along a curve to the right, of eight hundred and nineteen (819) feet radius, to the north line of said Weber avenue.

3. For a link or cross-over track, connecting the two hereinbefore described tracks designated respectively one (1) and two (2), between points about one thousand and fifty (1,050) and one thousand five hundred and fifty (1,550) feet west of the westerly line of said Edison street.

4. For two spur tracks, commencing on track hereinbefore described and designated two (2), as being twenty-six (26) feet north of the center line of said Weber avenue, at points respectively about one thousand four hundred and forty (1,440) feet and one thousand five hundred and twenty (1,520) feet westerly from the west line of Edison street, and running thence northwesterly along curves of three hundred and fifty-nine (359) feet radius to the northerly line of said Weber avenue.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain their said roadbeds in said City of Stockton to the official grade of the said streets, levees and other places in said City of Stockton, and shall not construct or raise any portion of its roadbeds to a greater height than said official grade, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of the roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets or levees in said City of Stockton except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets thereof, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council

of the said City of Stockton, any and all portions of the said streets and levees along which their tracks are laid between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks of the aforesaid corporation where the same are double tracks; also between the rails, and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the street, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street, or levee or portion of levee, or other places in the City of Stockton where the said track or tracks are laid, until the same shall have been approved by the Superintendent of Streets and by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, or repairing said railroad, or any part thereof, no more than the length of one block shall be obstructed at any one time, nor for a period longer than thirty working days, and at the expiration of said thirty days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street or levee, or portion thereof, as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 301.

(Became a law September 23, 1901.) O. B. 6—138.

An Ordinance Granting to the Alameda and San Joaquin Railroad Company, Its Successors and Assigns, for the Term of Forty-Three Years From the Second Day of July, 1901, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets and Portions of Streets and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Alameda and San Joaquin Railroad Company, a railroad corporation, incorporated, organ-

ized and existing under and by virtue of the laws of the State of California, its successors and assigns, the right to lay down, maintain and operate, by means of steam locomotives, or other lawful motive power, for the term of forty-three (43) years from and after the second day of July, 1901, a single track railroad, with all necessary switches, turnouts, spurs and sidings, along, across and upon certain public streets and portions of streets and other places of the City of Stockton, County of San Joaquin, State of California, said single track, spurs and sidings to be located as follows, to-wit:

First—Beginning at a point on the center line of the track of the Alameda and San Joaquin Railroad on the north side of Hazelton avenue produced westerly from the southwest corner of block number sixteen and two-thirds (16 2-3) west of Center street forty-three and one-half (43½) feet, and run thence northwesterly along a curve to the right of 359¼ feet radius, 105 feet to a point 76 feet westerly at right angles from the westerly side of said block number sixteen and two-thirds (16 2-3); thence northwesterly tangent to said curve 212 feet; thence northwesterly along a curve to the left of four hundred and ninety-three and three-tenths feet, radius 547 feet, to a point fifty-one feet south of the south line of block number fifteen (15) west of Center street; thence northwesterly along a tangent to connect with the center line of said Alameda and San Joaquin Railroad track as now constructed, at a point about 80 feet east of the west line of block U west of Center street.

Second—For a sidetrack thirty-one (31) feet south of and parallel to the center line of Hazelton avenue, connecting with the present track of said Alameda and San Joaquin Railroad Company between the east line of El Dorado street and the west line of San Joaquin street.

Sec. 2. The rights and privileges granted to said railroad company are dependent for their continuance and validity upon the performance by the said railroad company of the following conditions, to-wit:

First—The said railroad company shall construct and maintain the tracks and railroad beds hereinbefore mentioned to the official grade of the streets of said city, when required by order of the City Council.

Second—The said railroad company shall keep the tracks and roadbeds aforesaid in good condition, with proper slope where the tracks and roadbeds cross any of the streets herein mentioned, to enable teams to cross, pass and repass over the same, and said corporation shall, upon the order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize with such material as shall be ordered by said City Council, any or all portions of the said street along which the aforesaid track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

Third—The said company, in laying and maintaining the tracks and roadbeds herein described and operating the same, shall not unnecessarily obstruct thereby the free use of said streets.

Fourth—The said railroad company shall, upon the granting of this franchise, remove within thirty days after the completion of the tracks hereinbefore described, the track or tracks hereinafter described.

Said portion of said hereinafter described street, from which said

track or tracks are removed, to be left in good and passable condition, and said railroad company shall abandon for railroad purposes the said portions of said street.

The said portions of said track to be moved and abandoned are described as follows, to-wit:

First—That portion of the track of the Alameda and San Joaquin Railroad Company now operated by said Alameda and San Joaquin Railroad Company, commencing for the same at the point of beginning of the track first hereinbefore described, and ending for the same at the point of ending of said track first hereinbefore described.

Second—Also switch track on the southwest side of the main track on Mormon levee, commencing at a point on said levee eighteen feet west of the center line of the track laid and maintained on said levee by the Central Pacific Railroad Company under Ordinance No. 36 (being originally Ordinance No. 61, approved June 21st, 1877), granted by the City Council of the City of Stockton to the Central Pacific Railroad Company, and on the north line of Hazelton avenue produced, and running thence northwesterly and connecting again with said main track at or near the east line of Monroe street.

Sec. 3. At no time shall the cars or trains of said company be allowed to stand upon and across any of the streets, crossings, except for the purpose of operating the same, and then not longer than ten minutes for any one time.

Sec. 4. If the said Alameda and San Joaquin Railroad Company shall fail, for thirty days after the passage of this Ordinance, to accept in writing, duly filed with the City Clerk of the City of Stockton, the right of way and privileges herein granted, or to commence in good faith and duly prosecute the construction of said railroad bed and tracks within 180 days after the passage and approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant to said company, and shall become void.

Sec. 5. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 421.

(Approved August 28, 1906.) O. B. 7—94.

An Ordinance Granting to the Western Pacific Railway Company, a Corporation, Its Successors in Interest and Assigns, in so Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Franchise, Right, Privilege, Permission and Right of Way to Construct, Lay Down, Maintain and Operate by Steam or Other Lawful Motive Power, for the Term of Forty-Seven Years, a Double-Track Railroad of Standard Gauge, Together With the Right to Lay Down, Construct, Maintain and Operate All Switches, Crossings, Sidings, Sidetracks, Slips, Switches, and Such Appendages and Adjuncts Thereto as May Be Necessary for the Convenient Use of the Same Over, Upon and Along the Route Hereinafter Described, and Upon, Along, Over and Across Those Certain Streets, Avenues, Alleys, Lanes, Places, Courts and Levees in the City of Stockton, County of San Joaquin, State of California, the Same Being Described by Its Center Line as Follows:

Beginning at a point on the south city limits of the City of Stockton, said point of beginning being distant 29.6 feet westerly from the

point of intersection of the center line of Union street and said southerly city limits, running thence northeasterly on a curve to the left with a radius of 1,433 feet, a distance of 291.6 feet to the end of said curve in the center of Union street; running thence north twelve (12) degrees eight (8) minutes west on a tangent and along the center line of Union street, a distance of 2,309 feet; thence on a curve to the left with a radius of 1,910 feet, a distance of 270 feet; thence north twenty (20) degrees fourteen (14) minutes west, on a tangent a distance of 129.6 feet: thence on a curve to the right with a radius of 1,910 feet, a distance of 270 feet to a point lying sixteen (16) feet west of the westerly line of Union street; thence north twelve (12) degrees eight (8) minutes west, on a tangent and running parallel to and sixteen (16) feet westerly from the west line of Union street, a distance of 2,325 feet; thence on a curve to the left with a radius of 1,146 feet, a distance of two hundred and forty (240) feet; thence north twenty-four (24) degrees eight (8) minutes west, on a tangent a distance of two hundred and ten (210) feet; thence on a curve to the right with a radius of 1,910 feet, a distance of four hundred (400) feet; thence north twelve (12) degrees eight (8) minutes west, on a tangent, a distance of 3,420 feet; thence on a curve to the left with a radius of 1,146 feet, a distance of 483.3 feet; thence north thirty-six (36) degrees eighteen (18) minutes west, on a tangent, a distance of four hundred and twenty (420) feet; thence on a curve to the right with a radius of 1,146 feet, a distance of 12.2 feet, to a point on the north city limits of said City of Stockton, said last point being 5.6 feet west of the west line of Sacramento street.

Whereas, All notices required by law have been duly given and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Western Pacific Railway Company, a railroad corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use, for the term of forty-seven (47) years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places, courts and levees, property, places and route and portions thereof, in the City of Stockton, County of San Joaquin, State of California, hereinafter named and described; and to that end the said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate by steam or other lawful motive power, a double-track railroad as hereinafter set forth, of standard gauge eighteen (18) feet between centers; together with the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain all the switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all connections in conjunction therewith, and such appendages and adjuncts thereto as said Western Pacific Railway Company, its successors in interest and assigns, may

consider necessary for the convenient use of the same along, across and upon the streets, avenues, alleys, places, courts and levees, property, places and route in the City of Stockton, County of San Joaquin, State of California, hereinafter named, described and designated; and along, over, across, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said Western Pacific Railway Company and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said yards, terminals, station grounds or properties.

Wherever the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks as herein set forth is granted to the said Western Pacific Railway Company along, across and upon any street, avenue or alley in the City of Stockton, said company must, before the construction of such switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, obtain the approval of the City Council as to the extent and location thereof along, across and upon such street, avenue or alley; provided, however, that said Western Pacific Railway Company, its successors or assigns, may construct two sidings along, across and upon the streets, avenues, alleys, lanes and places along the route herein set forth, the center line of each of said sidings not to exceed eighteen (18) feet from the center line of the nearest track or tracks thereto, said sidings between a point one hundred (100) feet north of the north line of Hazelton avenue and the northerly city limits of the City of Stockton shall not be constructed east of the west line of Union street; the route of said railroad more fully appearing from the map filed by said Western Pacific Railway Company in the office of the City Clerk of the said City of Stockton, entitled "Map showing franchise applied for by Western Pacific Railway Company for certain lines of railroad through the City of Stockton, State of California, June 11th, 1906," to which map reference is hereby made, and the same is made a part hereof.

The center line of said railroad being described as follows, to-wit:

Beginning at a point on the south city limits of the City of Stockton, said point of beginning being distant 29.6 feet westerly from the point of intersection of the center line of Union street and said southerly city limits, running thence northeasterly on a curve to the left with a radius of 1,433 feet, a distance of 291.6 feet to the end of said curve in the center of Union street; running thence north twelve (12) degrees eight (8) minutes west, on a tangent and along the center line of Union street, a distance of 2,309 feet; thence on a curve to the left with a radius of 1,910 feet, a distance of 270 feet; thence north twenty (20) degrees fourteen (14) minutes west, on a tangent, a distance of 129.6 feet; thence on a curve to the right with a radius of 1,910 feet, a distance of 270 feet to a point lying sixteen (16) feet west of the westerly line of Union street; thence north twelve (12) degrees eight (8) minutes west, on a tangent and running parallel to and sixteen (16) feet westerly from the west line of Union street, a distance of 2,325 feet; thence on a curve to the left with a radius of 1,146 feet, a distance of two hundred and forty (240) feet; thence north twenty-four (24) degrees eight (8) minutes west, on a tangent, a distance of two hundred and ten (210) feet; thence on a curve to the right with a radius of 1,910 feet, a distance of four hundred (400) feet; thence

north twelve (12) degrees eight (8) minutes west, on a tangent, a distance of 3,420 feet; thence on a curve to the left with a radius of 1,146 feet, a distance of 483.3 feet; thence north thirty-six (36) degrees eighteen (18) minutes west, on a tangent, a distance of four hundred and twenty (420) feet; thence on a curve to the right with a radius of 1,146 feet, a distance of 12.2 feet to a point on the north city limits of said City of Stockton, said last point being 5.6 feet west of the west line of Sacramento street.

The right, permission, privilege, right of way and franchise is hereby granted to said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, during the term of forty-seven (47) years from the date of the passage of this Ordinance to construct, lay down, maintain and operate said railroad tracks and said railroad and to run its engines, cars and trains propelled by steam or other lawful power, over, along and upon the streets, avenues, alleys, lanes, places and courts, levees, property, places and route and parts thereof named and described; provided, that the free use of said streets shall not be unnecessarily obstructed thereby.

The said Western Pacific Railway Company, its successors in interest and assigns, is hereby granted the right, privilege, franchise, permission and right of way along, across, over, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railroad company and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said right of way, yards, terminals, station grounds or properties.

Sec. 2. Whenever the railroad track or tracks of said Western Pacific Railway Company hereby authorized to be constructed is or are laid upon any public street, the said Western Pacific Railway Company, its successors in interest and assigns, is required to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks occupied by said company; and shall, upon order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, with such material as shall be ordered by said City Council, any or all portions of the streets along which the aforesaid track is laid, between the rails thereof and for a width extending two feet on each side of said tracks.

Sec. 3. The rights and privileges hereby granted to said railroad company are dependent for their continuance and validity upon the performance by said company, its successors or assigns, of the following conditions, to-wit:

First—The said railroad company, its successors and assigns, shall construct and maintain the tracks and roadbed hereinbefore mentioned upon said streets to the official grade thereof when required so to do by the City Council, and if not so required then the grade adopted by said company shall be subject to the approval of such Council.

Second—Said railroad company shall provide and maintain in good repair and condition crossings over its tracks and roadbed where the same crosses any of the streets and avenues herein mentioned; such crossings shall be constructed the full width of the street and approaches made thereto on a slope of not less than 25 to 1 and so as to provide a safe and convenient crossing for teams, carriages and vehicles.

Third—At no time shall the cars or trains of said company, its successors or assigns, be allowed to stand upon any street crossing except for the purpose of operating the same, and then not longer than ten minutes at any time.

Fourth—Said railroad company, its successors and assigns, shall construct and maintain suitable culverts for the passage of water at such points on said roadbeds as shall be designated by the City Council.

Fifth—The City Council reserves the power to make and enforce valid Ordinances and regulations for the safety and protection of the traveling public occasioned by the operation of said railroad under this franchise.

Sixth—If the said railroad company shall fail for thirty (30) days to accept in writing, filed with the City Clerk of said city, the franchise, rights and obligations herein granted, then this Ordinance shall be of no force or effect.

Sec. 4. Whenever the line of said railroad passes over the right of way owned by said Western Pacific Railway Company, and whenever the line of said railroad shall pass over a right of way to be acquired subsequently by said Western Pacific Railway Company, or by its successors in interest and assigns, the right, permission, privilege and franchise is granted by the City of Stockton, in so far as it lies within the power of the City of Stockton to grant the same.

All privileges, permission and rights required by said Western Pacific Railway Company, its successors in interest and assigns, for the construction and maintenance of said line of railroad, switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith and appendages and adjuncts thereto through private property upon the proposed line of said railroad, are to be secured by said Western Pacific Railway Company, its successors in interest and assigns, from the owners of such property.

This Ordinance shall take effect and be in force and effect from and after its passage and approval.

ORDINANCE No. 463.

(Approved February 17, 1908.) O. B. 7—184.

An Ordinance Granting to the Atchison, Topeka and Santa Fe Railway Company (a Corporation), Its Successors and Assigns, for the Term of Thirty-Seven Years from the Nineteenth Day of August, 1907, the Franchise, Right, Permission and Privilege to Lay and Maintain a Railroad Track, and to Pass With and Operate a Steam or Other Lawful Motive Power Railroad Along, Upon and Across Certain Streets and Portions of Streets in the City of Stockton, County of San Joaquin, State of California.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Atchison, Topeka and Santa Fe Railway Company, a corporation duly organized and incorporated under and by virtue of the laws of the State of Kansas, and having its office and principal place of business in the City of Topeka, State of Kansas, and doing business in the State of California, its successors and assigns, so far as it lies within the power of said City of Stockton to grant the same, for the term of

thirty-seven (37) years from the nineteenth day of August, 1907, subject to all of the terms and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets in the City of Stockton, County of San Joaquin, State of California, as hereinafter described, a track, and to pass with and operate a steam or other lawful motive power railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track of standard width, together with the necessary curves, crossings and connections for the convenient use thereof, and to run locomotives and cars thereon; and which said streets and portions of streets in said City of Stockton, County of San Joaquin, State of California, and said roadbed and track, curves, crossings and connections are described as follows:

A spur track, beginning at the intersection of the center line of the main track of the Atchison, Topeka and Santa Fe Railway on Taylor street, in the City of Stockton, with the west line of Ophir street; thence on a 7-degree 30-minute curve, concave to the north, a distance of 125 feet; thence on a 7-degree 30-minute curve, concave to the south, a distance of 60 feet; thence westerly parallel to and 7.2 feet southerly from the north line of Taylor street, a distance of 120 feet to end (all of which more fully appears from a map or plat thereof this day filed with this Council).

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall, in all cases, construct, lay down and maintain their said roadbed in said City of Stockton to the official grade of the said streets and portions of streets in said City of Stockton, and shall not construct or raise any portion of its roadbed to a greater height than said official grade, unless with the permission of the said City Council of the City of Stockton.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbed as shall be selected by the City Council of the City of Stockton, now, or at any time during the life of said franchise, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the said City of Stockton, any and all portions of said streets along which the track is laid, between the rails thereof, and for a width extending two feet on each side of said track.

It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on said streets or portions of streets where the said track is laid until the same shall have been approved by the Superintendent of Streets and by the said City Council of the City of Stockton.

Sec. 3. Said corporation shall keep its roadbed and track in good condition, with proper slopes to enable teams to pass and repass thereon.

Sec. 4. All privileges and rights required by said corporation for the construction and maintenance of said roadbed, track, curves, crossings and connections through private property and upon grades made by private persons are to be by said corporation secured from the owners of such property.

Sec. 5. If the said corporation shall fail for thirty days to accept, in writing, filed with the City Council Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its said railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto the said corporation.

Sec. 6. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 235.

(Approved June 2, 1899.)

An Ordinance Granting to the San Francisco and San Joaquin Valley Railway Company, Its Successors and Assigns, for a Term of Forty-Six Years From the Twenty-Sixth day of February, 1899, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam Railroad Along, Upon and Across Portions of Streets and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the San Francisco and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of said City of Stockton to grant the same, for the term of forty-six years from the twenty-sixth day of February, 1899, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets, and other places, in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all the necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon; which said streets and portions of streets, and other places in said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

First—A connecting track, commencing for its center line on the present main line track of the San Francisco and San Joaquin Valley Railway Company on Taylor street, in the City of Stockton, at a point nine (9) feet north from the center line of the said street and eighty (80) feet, more or less, east from the east line of Union street; thence in a general northwesterly direction, on a curve to the right, with a radius of four hundred and ten (410) feet, more or less, across Union

street, block 284 east of Center street, Scott's avenue and into Sacramento street to a point on the present sidetrack of the Central Pacific Railroad on Sacramento street, at a point thirteen (13) feet east from the center line of said street and one hundred and twenty (120) feet, more or less, north from the north line of Scott's avenue.

Second—A spur track on Taylor street, commencing for its center line on the center line of connecting track above described at a point at or near the east line of Union street, and continuing thence in a westerly direction, with a suitable turnout, to a point on the west line of Union street and twenty-two (22) feet north from the center line of Taylor street; continuing thence westerly, parallel to and twenty-two (22) feet north from the center line of Taylor street, a distance of six hundred and eighty (680) feet, more or less, to the east line of Aurora street.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbeds in said City of Stockton to the official grade of the said streets and other places, and shall not construct or raise any portion of its roadbeds to a greater height than said official grades, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads, and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not for that or any other purpose remove any earth from or make any excavations in any of the streets of said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets, and shall keep such culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said streets along which their tracks are laid between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the street, and in case crossings are taken up, they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of

street or other places where the said track or tracks are laid until the same have been approved by the Superintendent of Streets or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, or repairing said roadbed or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a longer period than thirty working days, and at the expiration of said thirty working days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind and leave the street as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation, for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches, through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail for thirty days to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 250.

(Approved May 9, 1900.)

An Ordinance Granting to the San Francisco and San Joaquin Valley Railway Company, Its Successors and Assigns, for a Term of Forty-Six Years From the Twenty-Sixth Day of February, 1899, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam Railroad Along, Upon and Across Certain Streets, Portions of Streets and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the San Francisco and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of forty-six years from the twenty-sixth day of February, 1899, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets and portions of streets, and other places, in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam railroad thereon, and to construct and maintain thereon a roadbed of

standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all the necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon; which said streets and portions of streets, and other places, in said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

First—A spur track commencing for its center line on the center line of the existing track of the San Francisco and San Joaquin Valley Railway Company on block No. 284, City of Stockton, said track being a connection between the main line of the San Francisco and San Joaquin Valley Railway Company on Taylor street with the track of the Southern Pacific Railroad on Sacramento street; said point of beginning being a distance of 130 feet, more or less, south from the south line of Scott's avenue, and a distance of 110 feet, more or less, east from the east line of Sacramento street; continuing thence in a general northerly direction, in a curve, with a radius of 359 feet, a distance of 260 feet, more or less, across block No. 284 and Scott's avenue, to a point on the north line of Scott's avenue, a distance of 10 feet east from the east line of Sacramento street; continuing thence north through block No. 278, parallel to and 10 feet distant east from the east line of Sacramento street, a distance of 273 feet, more or less, to a point 27 feet south from the south line of Hazelton avenue; thence in a northerly direction, with reverse curves, having a radius of 359 feet to the left and right, a distance of 165 feet, through block No. 278, across Hazelton avenue, and into Sacramento street, to a point 8 feet distant west from the east line of Sacramento street, and 27 feet north from the north line of Hazelton avenue; thence north parallel to and 8 feet distant west from the east line of Sacramento street, a distance of 273 feet to the south line of Church street.

Also the right to lay down and maintain all switches, crossings and other connections on any and all of the aforesaid tracks which the said railway company may consider necessary for their proper operation.

All streets, roads, blocks and lots referred to in said description are as designated on the official map of the City of Stockton on file and of record in the office of the County Recorder of the County of San Joaquin, State of California.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbeds in said City of Stockton to the official grade of the said streets and other places, and shall not construct or raise any portion of its roadbeds to a greater height than said official grades, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not, for that or any other purpose,

remove any earth from or make any excavations in any of the streets of said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets, and shall keep said culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said streets along which their tracks are laid, between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street or other places where the said track or tracks are laid, until the same have been approved by the Superintendent of Streets or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, of repairing said railroad or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a longer period than thirty working days, and at the expiration of said thirty working days said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation, for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches, through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail, for thirty days, to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force and effect as a grant unto the said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 270.

(Approved November 14, 1900.)

An Ordinance Granting to the San Francisco and San Joaquin Valley Railway Company, Its Successors and Assigns, for a Term of Forty-six years From the Twenty-Eighth Day of August, 1900, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets, Portions of Streets and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the San Francisco and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, and having its office and principal place of business in the City and County of San Francisco, State of California, its successors and assigns, so far as it lies within the power of the said City of Stockton to grant the same, for the term of forty-six years from the twenty-eighth day of August, 1900, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along, upon and across the streets, portions of streets and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam or other motive power railroad thereon, and to construct and maintain thereon a track or tracks of standard broad-gauge width, together with all necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon, which said streets and portions of streets, and other places, in the said City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches are described as follows, to-wit:

First—Commencing on the easterly line of El Dorado street 90 feet northerly from the north line of Taylor street, running thence in a westerly direction across said El Dorado street to a point 92 feet northerly from the north line of Taylor street.

Second—Commencing on the easterly line of El Dorado street 98 feet northerly from the north line of Taylor street, running thence in a westerly direction across said El Dorado street to a point 102 feet northerly from the north line of Taylor street.

Third—Commencing on the easterly line of El Dorado street 128 feet northerly from the north line of Taylor street, running thence in a westerly direction across said El Dorado street to a point 133 feet northerly from the north line of Taylor street.

Fourth—Commencing on the easterly line of El Dorado street 142 feet northerly from the north line of Taylor street, running thence westerly across said El Dorado street parallel with the north line of Taylor street to the westerly line of said El Dorado street.

Also the right to lay down and maintain all switches, crossings and other connections on any and all of the aforesaid tracks which the said railway company may consider necessary for their proper operation.

All streets, roads, blocks and lots referred to in said description

are as designated on the official map of the City of Stockton on file and of record in the office of the County Recorder of the County of San Joaquin, State of California.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbeds in said City of Stockton to the official grade of the said streets and other places, and shall not construct or raise any portion of its roadbeds to a greater height than said official grades, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not, for that or any other purpose, remove any earth from or make any excavations in any of the streets of said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets, and shall keep said culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said streets along which their tracks are laid, between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street or other places where the said track or tracks are laid until the same have been approved by the Superintendent of Streets, or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, of repairing said railroad, or any part thereof, not more than the length of one block shall be obstructed at any one time, nor for a longer period than thirty working days, and at the expiration of said thirty working days, said corporation, its successors or assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street as clean and in as good order as it was at the commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation, for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches, through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail, for thirty days, to accept, in writing, filed with City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within sixty days from the date of the approval of this Ordinance, then this Ordinance shall be of no force or effect as a grant unto the said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 278.

(Approved January 9, 1901.)

An Ordinance Granting to the Sacramento and San Joaquin Valley Railway Company, Its Successors or Assigns, for the Term of Fifty Years From the Twenty-Eighth Day of August, 1900, the Franchise, Right, Permission and Privilege to Lay and Maintain Railroad Tracks, and to Pass With and Operate a Steam or Other Motive Power Railroad Along, Upon and Across Certain Streets and Portions of Streets, Levees and Portions of Levees and Other Places in the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Sacramento and San Joaquin Valley Railway Company, a railroad corporation duly organized and incorporated as such under and by virtue of the laws of the State of California, having its office and principal place of business in the City and County of Los Angeles, State of California, its successors or assigns, so far as it lies within the power of the said City of Stockton to grant the same for the term of fifty (50) years from the twenty-eighth day of August, 1900, subject to all the terms, conditions and limitations hereinafter made and expressed, the franchise, right and privilege to lay and maintain along levees and portions of levees and other places in the said City of Stockton, County of San Joaquin, State of California, as hereinafter described, tracks, and to pass with and operate a steam or other motive power railroad thereon, and to construct and maintain thereon a roadbed of standard broad-gauge width, and to lay down and maintain thereon a track or tracks of standard width, together with all necessary curves, sidetracks, spurs and switches for the convenient use thereof, and to run locomotives and cars thereon, which said streets, and portions of streets, levees and portions of levees, and other places in the City of Stockton, County of San Joaquin, State of California, and the said roadbeds, tracks, sidetracks, spurs, curves and switches, are described as follows, to-wit:

Beginning at the intersection of the western line of the city limits of the City of Stockton with the northern line of the city limits of the

City of Stockton, and running thence southerly along the western line of said city limits to the north bank of Stockton Channel, all streets, roads, blocks and lots referred to in said description are as designated on the official map of the City of Stockton on file and of record in the office of the County Recorder of the County of San Joaquin, State of California.

Also, the right to lay down and maintain all switches, crossings and other connections on any and all of the aforesaid tracks which said railway company may consider necessary for their proper operation.

Sec. 2. The rights, privileges and permissions herein granted to said corporation are dependent for their continuance and validity upon the performance by said corporation in full of all the conditions as hereinafter set out, to-wit:

First—Said corporation shall in all cases construct, lay down and maintain its said roadbeds in said City of Stockton to the official grade of the said streets and other places, and shall not construct or raise any portion of its roadbeds to a greater height than said official grades, unless with the permission of the said City Council of the City of Stockton, except so far as it may be necessary in crossing the roadbeds and tracks of other railroads; and in such case the said official grade shall not be exceeded by the grade of said railroad for a greater distance than 300 feet on each side of the said roadbeds and tracks of other railroads so crossed, unless the usual maximum grade admissible in the construction of railroads shall be exceeded if restricted to 300 feet, in which event the distance may be extended until such maximum grade is reached, and shall not, for that or any other purpose, remove any earth from or make any excavations in any of the streets of said City of Stockton, except it may be necessary so to do for the purpose of constructing culverts.

Second—Said corporation shall construct suitable culverts for the passage of water at such points on said roadbeds as shall be selected by the City Council of the City of Stockton, or the Board of Public Works thereof, or the Superintendent of Streets, and shall keep said culverts in constant repair.

Third—Said corporation shall, upon the order of the said City Council of the City of Stockton, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, pile or repile, with such material as shall be ordered by said City Council of the City of Stockton, any and all portions of the said streets along which their tracks are laid, between the rails thereof, and for a width extending two feet on each side of said tracks, and between the tracks where the same are double tracks; also between the rails and for a width extending two feet on each side thereof of all turns, curves, sidetracks, switches and appendages. It shall keep the same, including the crossings, constantly in repair and flush with the streets, and in case crossings are taken up they must be replaced immediately after the completion of the work. All work must be done under the supervision and to the satisfaction of the Superintendent of Streets, and in no case shall said corporation, its successors or assigns, be permitted to run or operate said railroad on any street or portion of street or other places where the said track or tracks are laid, until the same have been approved by the Superintendent of Streets, or by the said City Council of the City of Stockton.

Sec. 3. For the purpose of laying, other than the original construction thereof, of repairing said railroad, or any part thereof, not more than the length of one block shall be obstructed at any one time,

nor for a longer period than thirty working days, and at the expiration of said thirty working days said corporation, its successors and assigns, shall forthwith remove all stone, lumber, dirt and rubbish of every kind, and leave the street as clean and in as good order as it was at the time of commencement of any such work.

Sec. 4. Said corporation shall keep its roadbeds and tracks in good condition, with proper slopes, to enable teams to pass and repass thereon.

Sec. 5. All privileges and rights required by said corporation, for the construction and maintenance of said roadbeds, tracks, curves, sidetracks, spurs and switches, through private property and upon grades made by private persons upon the proposed line of said roadbeds, tracks, curves, sidetracks, spurs and switches, are to be secured by said corporation from the owners of such property.

Sec. 6. If the said corporation shall fail, for thirty days, to accept, in writing, filed with the City Clerk of the City of Stockton, the franchise, rights and privileges herein granted, or to commence in good faith and duly prosecute the construction of its railroad within six months from the date of the approval of this Ordinance, then this Ordinance shall be of no force or effect as a grant unto the said corporation.

Sec. 7. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 336.

(Became a law May 29, 1903.) O. B. 6—287.

An Ordinance Granting to the Western Pacific Railway Company, Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Right, Privilege, Permission, Right of Way and Franchise to Construct, Lay Down, Maintain and Operate by Steam or Other Lawful Motive Power for the Term of Forty-Nine Years, a Single or Double-Track Railroad of Standard Gauge; Together With the Right, Privilege, Right of Way, Franchise and Permission to Lay Down, Construct, Operate and Maintain All the Switches, Crossings, Sidings, Turnouts, Slip Switches, Spur Tracks, Yard Tracks, Depot Tracks and Terminal Tracks, and All the Connections in Conjunction Therewith, and Such Appendages and Adjuncts Thereto as May Be Necessary for the Convenient Use of the Same, Along, Across and Upon Certain Streets, Avenues, Alleys, Lanes, Places, Courts and Levees, Property, Places and Route in the City of Stockton, the Center Line of Said Railroad Being Described as Follows, To-wit:

First—Beginning at a point in Steamboat levee formed by the intersection of the center line of Lindsay street, produced easterly, with the east line of Madison street, produced southerly; said point of beginning being the point of commencement of tangent No. 1; running thence west on said tangent No. 1 along the center line of Lindsay street to a point on the east line of Edison street, said last-mentioned point being the point of commencement of tangent No. 2; thence westerly on said tangent No. 2 to a point 300 feet west of the west line of Edison street and 318 feet south of the south line of Fremont street, produced, said last-mentioned point being the point of commencement of tangent No. 3; thence west on said tangent No. 3 and parallel to

said south line of Fremont street to a point on the east line of Yosemite street and on the center line of 30-foot alley, said last-mentioned point being the point of commencement of tangent No. 4; thence northwesterly on said tangent No. 4 to a point formed by the intersection of the center line of 30-foot alley with the east boundary line (produced to such intersection) of lot 7, in block 11, West Stockton, said last-mentioned point being the point of commencement of tangent No. 5; thence northwesterly on said tangent No. 5 to a point on the west boundary of said City of Stockton, distant thereon 20 feet south from the northwest corner of block 4, West Stockton, said last-mentioned point being the point of commencement of tangent No. 6; thence on said tangent No. 6 northerly along the said west boundary line of said City of Stockton to the north boundary line of said City of Stockton.

Said tangents Nos. 1 and 2 being connected by a 1-degree curve; said tangents Nos. 2 and 3 being connected by a 1-degree curve; said tangents Nos. 3 and 4 being connected by a 4-degree curve; said tangents Nos. 4 and 5 being connected by a 2-degree curve; said tangents Nos. 5 and 6 being connected by an 8-degree curve.

Saving and excepting from the effect of this grant all those portions of said described line, the center lines of which are those portions of said described tangents which lie between the two points of tangency of each of said curves, respectively; except that there is included in this grant all that portion of said described line, the center line of which is that part of said tangent No. 6 running along the said west boundary line of said City of Stockton.

Second—Beginning at a point formed by the intersection of the west line of block No. 8, West Stockton, with the line of the 8-degree curve connecting tangents Nos. 5 and 6, as described hereinbefore; and running thence westerly on a tangent to said last-mentioned 8-degree curve to a point on the south line of block No. 3, West Stockton; thence on a 4-degree curve deflecting to the left to a point formed by the intersection of said curve with the west boundary line of said City of Stockton.

In both of said above descriptions the words "east" and "west" are used for convenience to denote lines parallel to the center line of Lindsay street; and the words "north" and "south" to denote lines parallel to the center line of Edison street.

Whereas, All notices required by law have been duly given and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Western Pacific Railway Company, a railroad corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest, and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use, for the term of forty-nine years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places, courts and levees, property, places and route and portions thereof, in the City of Stockton, County of San Joaquin, State

of California, hereinafter named and described; and to that end the said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate by steam or other lawful motive power, a single or double-track railroad, as hereinafter set forth, of standard gauge; together with the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain all the switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith, and such appendages and adjuncts thereto as said Western Pacific Railway Company, its successors in interest and assigns, may consider necessary for the convenient use of the same along, across and upon the streets, avenues, alleys, lanes, places, courts and levees, property, places and route, in the City of Stockton, County of San Joaquin, State of California, hereinafter named, described and designated; and along, over, across, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railway company, and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said yards, terminals, station grounds or properties; the route of said railroad more fully appearing from the map filed by said Western Pacific Railway Company in the office of the City Clerk of the said City of Stockton entitled "Map showing franchise applied for by Western Pacific Railway Company, for certain lines of railroad through the City of Stockton, State of California, March 30th, 1903," to which map reference is hereby made.

The center line of said railroad being described as follows, to-wit:

First—Beginning at a point in Steamboat levee formed by the intersection of the center line of Lindsay street, produced easterly, with the east line of Madison street, produced southerly, said point of beginning being the point of commencement of tangent No. 1; running thence west on said tangent No. 1 along the center line of Lindsay street to a point on the east line of Edison street, said last-mentioned point being the point of commencement of tangent No. 2; thence westerly on said tangent No. 2 to a point 300 feet west of the west line of Edison street and 318 feet south of the south line of Fremont street, produced, said last-mentioned point being the point of commencement of tangent No. 3; thence west on said tangent No. 3 and parallel to said south line of Fremont street to a point on the east line of Yosemite street and on the center line of 30-foot alley, said last-mentioned point being the point of commencement of tangent No. 4; thence northwesterly on said tangent No. 4 to a point formed by the intersection of the center line of 30-foot alley with the east boundary line (produced to such intersection) of lot 7, in block 11, West Stockton, said last-mentioned point being the point of commencement of tangent No 5; thence northwesterly on said tangent No. 5 to a point on the west boundary line of said City of Stockton, distant thereon 20 feet south from the northwest corner of block 4, West Stockton, said last-mentioned point being the point of commencement of tangent No. 6; thence on said tangent No. 6 northerly along the said west boundary line of said City of Stockton to the north boundary line of said City of Stockton.

Said tangents Nos. 1 and 2 being connected by a 1-degree curve; said tangents Nos. 2 and 3 being connected by a 1-degree curve; said tangents Nos. 3 and 4 being connected by a 4-degree curve; said tangents Nos. 4 and 5 being connected by a 2-degree curve; said tangents Nos. 5 and 6 being connected by an 8-degree curve.

Saving and excepting from the effect of this grant all those portions of said described line, the center lines of which are those portions of said described tangents which lie between the two points of tangency of each of said curves, respectively; except that there is included in this grant all that portion of said described line, the center line of which is that part of said tangent No. 6 running along the said west boundary line of said City of Stockton.

Second—Beginning at a point formed by the intersection of the west line of block No. 8, West Stockton, with the line of the 8-degree curve connecting tangents Nos. 5 and 6 as described hereinbefore; and running thence westerly on a tangent to said last-mentioned 8-degree curve to a point on the south line of block No. 3, West Stockton; thence on a 4-degree curve deflecting to the left to a point formed by the intersection of said curve with the west boundary line of said City of Stockton.

In both of said above descriptions the words "east" and "west" are used for convenience to denote lines parallel to the center line of Lindsay street; and the words "north" and "south" to denote lines parallel to the center line of Edison street.

The right, permission, privilege, right of way and franchise is hereby granted to said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, during the term of forty-nine years from the date of the passage of this Ordinance, to construct, lay down, maintain and operate said railroad tracks and said railroad, and to run and use its engines, cars and trains, propelled by steam or other lawful motive power, over, along, across and upon the streets, avenues, alleys, lanes, places and courts, levees, property, places and route and parts thereof named and described; provided that the free use of said streets shall not be unnecessarily obstructed thereby.

The said Western Pacific Railway Company, its successors in interest and assigns, is hereby granted the right, privilege, franchise, permission and right of way along, across, over, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railroad company, and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said right of way, yards, terminals, station grounds and properties.

Sec. 2. Whenever the railroad track or tracks of said Western Pacific Railway Company hereby authorized to be constructed is or are laid upon any public street, the said Western Pacific Railway Company, its successors in interest and assigns, is required to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks occupied by said company; and shall, upon the order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, with such material as shall be ordered by said City Council, any or all portions of the streets along which the aforesaid track is laid, between the rails thereof, and for a width extending two feet on each side of said tracks.

Sec. 3. Wherever the line of said railroad passes over the right of way owned by said Western Pacific Railway Company, and wherever the line of said railroad shall pass over a right of way to be acquired subsequently by said Western Pacific Railway Company, or by its successors in interest or assigns, the right, permission, privilege and franchise is granted by the City of Stockton, in so far as it lies within the power of the City of Stockton to grant the same.

All privileges, permission and rights required by said Western Pacific Railway Company, its successors in interest and assigns, for the construction and maintenance of said switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith, and appendages and adjuncts thereto, through private property upon the proposed line of said railroad, are to be secured by said Western Pacific Railway Company, its successors in interest and assigns, from the owners of such property.

This Ordinance shall take effect and be in force and effect from and after its passage.

ORDINANCE No. 338.

(Became a law June 3, 1903.) O. B. 6—300.

An Ordinance Granting to the Western Pacific Railway Company, Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Right, Privilege, Permission, Right of Way and Franchise to Construct, Lay Down, Maintain and Operate by Steam or Other Lawful Motive Power for the Term of Forty-Nine Years, a Single or Double-Track Railroad of Standard Gauge; Together With the Right, Privilege, Right of Way, Franchise and Permission to Lay Down, Construct, Operate and Maintain All the Switches, Crossings, Sidings, Turnouts, Slip Switches, Spur Tracks, Yard Tracks, Depot Tracks and Terminal Tracks, and All the Connections in Conjunction Therewith, and Such Appendages and Adjuncts Thereto as May Be Necessary for the Convenient Use of the Same, Along, Across and Upon Certain Streets, Avenues, Alleys, Lanes, Places and Courts, Property, Places and Route in the Said City of Stockton; the Center Line of Said Railroad Being Described as Follows, To-wit:

First—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the east line of Center street, distant thereon 16 feet north of the center line of Hazelton avenue, and running thence east along Hazelton avenue on a line parallel to and distant 16 feet north of the said center line of Hazelton avenue to the west line of Aurora street; with the right to connect said single track railroad with the main track of the Alameda and San Joaquin Railroad Company by a curve of 717 feet radius deflecting to the south (and a tangent) from a point on said single track railroad between the east line of Hunter street and the east line of Center street.

Second—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the center line of Hazelton avenue, distant thereon 159 feet west of the west line of Aurora street, and running thence east along said center line of Hazelton avenue to the east line of East street.

Third—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the east line of Grant street, distant thereon 18 feet south of its intersection with the center line of Hazelton avenue, and running thence east along Hazelton avenue, on a line parallel to and distant 18 feet south of the said center line of Hazelton avenue, to the east line of East street.

Fourth—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on Hazelton avenue 31 feet south of the center line thereof and 105 feet east of the east line of Center street, and running thence east along Hazelton avenue on a line parallel to and distant 31 feet south of said center line of Hazelton avenue to the east line of El Dorado street; with the right to connect said track with the sidetrack of the Alameda and San Joaquin Railroad Company, now constructed or hereafter to be constructed by virtue of the grant of a franchise therefor by Ordinance No. 301, duly passed by said City Council of the City of Stockton; and also with the right to connect said single track railroad at the west end thereof with the main track of the Alameda and San Joaquin Railroad Company by a curve of 717 feet radius deflecting to the south.

Fifth—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the west line of San Joaquin street and distant thereon 31 feet south of the center line of Hazelton avenue, and running thence east along Hazelton avenue on a line parallel to and 31 feet south from the center line of said Hazelton avenue to the west line of Aurora street; with the right to connect said track with the sidetrack of the Alameda and San Joaquin Railroad Company, now constructed or hereafter to be constructed by virtue of a grant of a franchise therefor by Ordinance No. 301, duly passed by said City Council of the City of Stockton.

Sixth—A single curved track, the center line of which is described as follows, to-wit:

Beginning at a point on the center line of the track hereinabove described as being 16 feet north of the center line of Hazelton avenue, said point being distant thereon 120 feet west of the west line of Aurora street; and deflecting thence south with a curvature and reversed curvature of 717 feet radius and the necessary connecting tangent, to point of connections with the tracks hereinbefore described as being on the center line of Hazelton avenue and on a line parallel to and 18 feet south of said center line of Hazelton avenue.

Seventh—A double track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning on the center line of Ophir street at its connection with the north line of Hazelton avenue, and running thence north along the said center line of Ophir street to the north line of North street.

Eighth—A double curved track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning at a point on Hazelton avenue 9 feet south of the center line thereof and 158.5 feet west of the west line of Pilgrim street, and running thence on a curve deflecting to the left with a radius of 583 feet to a point on the center line of Ophir street, distant thereon 148.75 feet south of the south line of Sonora street.

Ninth—A double curved track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning at a point on Hazelton avenue 9 feet south of the center line thereof and 158.5 feet east of the east line of Sierra Nevada street, and running thence on a curve deflecting to the right, with a radius of 583 feet, to a point on the center line of Ophir street, distant thereon 148.75 feet south of the south line of Sonora street.

In all of said above descriptions the words "east" and "west" are used for convenience to denote lines parallel to the center line of Hazelton avenue; and the words "north" and "south" to denote lines parallel to the center line of Center street.

And, whereas, all notices required by law have been duly given and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Western Pacific Railway Company, a railroad corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use, for the term of forty-nine years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places and courts, property, places and route and portions thereof, in the City of Stockton, County of San Joaquin, State of California, hereinafter named and described; and to that end the said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate by steam or other lawful motive power, a single or double track railroad, as hereinafter set forth, of standard gauge; together with the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain all the switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith, and such appendages and adjuncts thereto as said Western Pacific Railway Company, its successors in interest and assigns, may consider necessary for the convenient use of the same along, across and upon the streets, avenues, alleys, lanes, places and courts, property, places and route in the City of Stockton, County of San Joaquin, State of California, hereinafter named, described and designated; and along, over, across, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railway company, and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said yards, terminals, station grounds or properties; the route of said railroad more fully appearing from the map filed by said Western Pacific Railway Company in the office of the City Clerk of the said City of Stockton, entitled "Map showing franchise applied for by Western Pacific Railway Company, for certain lines of railroad

through the City of Stockton, State of California, March 30th, 1903," to which map reference is hereby made, and the same is made a part hereof.

The center line of said railroad being described as follows, to-wit:

First—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the east line of Center street, distant thereon 16 feet north of the center line of Hazelton avenue, and running thence east along Hazelton avenue on a parallel to and distant 16 feet north of the said center line of Hazelton avenue to the west line of Aurora street; with the right to connect said single track railroad with the main track of the Alameda and San Joaquin Railroad Company by a curve of 717 feet radius deflecting to the south (and a tangent) from a point on said single track railroad between the east line of Hunter street and the east line of Center street.

Second—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the center line of Hazelton avenue, distant thereon 159 feet west of the west line of Aurora street, and running thence east along said center line of Hazelton avenue to the east line of East street.

Third—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the east line of Grant street, distant thereon 18 feet south of its intersection with the center line of Hazelton avenue, and running thence east along Hazelton avenue, on a line parallel to and distant 18 feet south of the said center line of Hazelton avenue, to the east line of East street.

Fourth—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on Hazelton avenue 31 feet south of the center line thereof and 105 feet east of the east line of Center street, and running thence east along Hazelton avenue on a line parallel to and distant 31 feet south of said center line of Hazelton avenue to the east line of El Dorado street; with the right to connect said track with the sidetrack of the Alameda and San Joaquin Railroad Company, now constructed or hereafter to be constructed by virtue of the grant of a franchise therefor by Ordinance No. 301, duly passed by said City Council of the City of Stockton; and also with the right to connect said single track railroad at the west end thereof with the main track of the Alameda and San Joaquin Railroad Company by a curve of 717 feet radius deflecting to the south.

Fifth—A single track railroad, the center line of which is described as follows, to-wit:

Beginning at a point on the west line of San Joaquin street and distant thereon 31 feet south of the center line of Hazelton avenue, and running thence east along Hazelton avenue on a line parallel to and 31 feet south from the center line of said Hazelton avenue to the west line of Aurora street; with the right to connect said track with the sidetrack of the Alameda and San Joaquin Railroad Company, now constructed or hereafter to be constructed by virtue of a grant of a franchise therefor by Ordinance No. 301, duly passed by said City Council of the City of Stockton.

Sixth—A single curved track, the center line of which is described as follows, to-wit:

Beginning at a point on the center line of the track hereinabove described as being 16 feet north of the center line of Hazelton avenue,

said point being distant thereon 120 feet west of the west line of Aurora street; and deflecting thence south with a curvature and reversed curvature of 717 feet radius and the necessary connecting tangent, to point of connections with the tracks hereinbefore described as being on the center line of Hazelton avenue and on a line parallel to and 18 feet south of said center line of Hazelton avenue.

Seventh—A double track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning on the center line of Ophir street at its connection with the north line of Hazelton avenue, and running thence north along the said center line of Ophir street to the north line of North street.

Eighth—A double curved track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning at a point on Hazelton avenue 9 feet south of the center line thereof and 158.5 feet west of the west line of Pilgrim street, and running thence on a curve deflecting to the left with a radius of 583 feet to a point on the center line of Ophir street, distant thereon 148.75 feet south of the south line of Sonora street.

Ninth—A double curved track, 18 feet between centers, the center line between the tracks being described as follows, to-wit:

Beginning at a point on Hazelton avenue 9 feet south of the center line thereof and 158.5 feet east of the east line of Sierra Nevada street, and running thence on a curve deflecting to the right, with a radius of 583 feet, to a point on the center line of Ophir street, distant thereon 148.75 feet south of the south line of Sonora street.

In all of said above descriptions the words "east" and "west" are used for convenience to denote lines parallel to the center line of Hazelton avenue; and the words "north" and "south" to denote lines parallel to the center line of Center street.

The right, permission, privilege, right of way and franchise is hereby granted to said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, during the term of forty-nine years from the date of the passage of this Ordinance, to construct, lay down, maintain and operate said railroad tracks and said railroad and to run and use its engines, cars and trains propelled by steam or other lawful motive power over, along and upon the streets, avenues, alleys, lanes, places and courts, property, places and route and parts thereof named and described; provided that the free use of said streets shall not be unnecessarily obstructed thereby.

The said Western Pacific Railway Company, its successors in interest and assigns, is hereby granted the right, privilege, franchise, permission and right of way along, across, over, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railway company and such as may hereafter be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said right of way, yards, terminals, station grounds or properties.

Sec. 2. Whenever the railroad track or tracks of said Western Pacific Railway Company hereby authorized to be constructed is or are laid upon any public street, the said Western Pacific Railway Company, its successors in interest and assigns, is required to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks occupied by said company; and shall,

upon the order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, with such material as shall be ordered by said City Council, any or all portions of the streets along which the aforesaid track is laid, between the rails thereof and between the tracks thereof, where there are double tracks, and for a width extending two feet on each side of said track.

Sec. 3. Wherever the line of said railroad passes over the right of way owned by said Western Pacific Railway Company, and wherever the line of said railroad shall pass over a right of way to be acquired subsequently by said Western Pacific Railway Company, or its successors in interest or assigns, the right, permission, privilege and franchise is granted by the City of Stockton, in so far as it lies within the power of the City of Stockton to grant the same.

All privileges, permission and rights required by said Western Pacific Railway Company, its successors in interest and assigns, for the construction and maintenance of said switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith, and appendages and adjuncts thereto, through private property upon the proposed line of said railroad, are to be secured by said Western Pacific Railway Company, its successors in interest and assigns, from the owners of such property.

This Ordinance shall take effect and be in force and effect from and after its passage.

ORDINANCE No. 441.

(Approved June 1, 1907.) O. B. 7—142.

An Ordinance Granting to the Western Pacific Railway Company (a Corporation), Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Franchise, Right, Privilege, Permission and Right of Way to Construct, Lay Down, Maintain and Operate by Steam or Other Lawful Motive Power, for the Term of Forty-Seven Years, a Double Track Railroad of Standard Gauge, Together With the Right to Lay Down, Construct, Maintain and Operate All Switches, Crossings, Sidings, Sidetracks, Slip Switches, and Such Appendages and Adjuncts Thereto as May Be Necessary for the Convenient Use of the Same, Over, Upon and Along the Route Hereinafter Described, and Upon, Along, Over and Across Those Certain Streets, Avenues, Alleys, Lanes, Places, Courts and Levees in the City of Stockton, County of San Joaquin, State of California, the Same Being Described by Its Center Line as Follows:

Beginning at the north end of the tangent 3,420 feet long, which said tangent is a part of the description of the franchise granted to your petitioner by Ordinance No. 421 of Ordinances of the City of Stockton, and is mentioned in said Ordinance No. 421, which said point of beginning is 176.75 feet easterly from the east line of Sacramento street, in the City of Stockton, and seventy (70) feet southerly from the south line of Vine street, running thence north 12 degrees 8 minutes west in a straight line and being a continuation of said 3,420-foot tangent a distance of 857.8 feet, more or less, to an intersection with the north city limits of the City of Stockton, said point of intersection

being distant 176.75 feet easterly from the east line of Sacramento street, said line of railroad being substantially delineated and set forth on the accompanying map, which is made a part hereof and entitled "Map showing franchise applied for by the Western Pacific Railway Company for certain lines of railroad through the City of Stockton, State of California, February 25, 1907."

Whereas, All notices required by law have been duly given and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Western Pacific Railway Company, a railroad corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use for the term of forty-seven years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places, courts and levees, property, places and route and portions thereof in the City of Stockton, County of San Joaquin, State of California, hereinafter named and described, and to that end the said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate by steam or other lawful motive power a double track railroad, as hereinafter set forth, of standard gauge, 18 feet between centers, together with the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain all the switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all connections in conjunction therewith, and such appendages and adjuncts thereto as said Western Pacific Railway Company, its successors in interest and assigns, may consider necessary for the convenient use of the same along, across and upon the streets, avenues, alleys, places, courts, levees, property, places and route in the City of Stockton, County of San Joaquin, State of California, hereinafter named, described and designated; and along, over and across and upon and connecting with the right of way, yards, terminal tracks, station grounds and properties along the route herein set forth now owned by said Western Pacific Railway Company, and such as may be hereafter acquired by it, its successors in interest and assigns, and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may hereafter be opened through or within or into said yards, terminals, station grounds or properties.

Wherever the right, privilege, permission, right of way and franchise to lay down, construct, operate and maintain switches, crossings, sidings, turnouts, slip tracks, spur tracks, yard tracks, depot tracks and terminal tracks as herein set forth is granted to the said Western Pacific Railway Company, along, across and upon any street, avenue or alley, said company must, before the construction of such switches, crossings, sidings, turnouts, slip tracks, spur tracks, yard tracks, depot tracks and terminal tracks, obtain the approval of the City Council

as to the extent and location thereof across and upon such avenue or alley; provided, however, that said Western Pacific Railway Company, its successors and assigns, may construct two sidings along, across and upon the streets, avenues, alleys, lanes and places along the route therein set forth, the center line of each of said sidings not to exceed 18 feet from the center line of the nearest track or tracks thereto, said sidings not to be constructed east of the west line of Union street, the route of said railroad more fully appearing from the map filed by said Western Pacific Railway Company in the office of the City Clerk of the City of Stockton, entitled "Map showing franchise applied for by the Western Pacific Railway Company for certain lines of railroad through the City of Stockton, State of California, February 25, 1907," to which map reference is hereby made and the same is made a part hereof, the center line of said railroad being described as follows, to-wit: Beginning at the north end of the tangent 3,420 feet long, which said tangent is a part of the description of the franchise granted to your petitioner by Ordinance No. 421 of Ordinances of the City of Stockton, and is mentioned in said Ordinance No. 421, which said point of beginning is 176.75 feet easterly from the east line of Sacramento street, in the City of Stockton, and 70 feet southerly from the south line of Vine street, running thence north 12 degrees 8 minutes west in a straight line and being a continuation of said 3,420-foot tangent a distance of 857.8 feet, more or less, to an intersection with the north city limits of the City of Stockton, said point of intersection being distant 176.75 feet easterly from the east line of Sacramento street.

The right, permission, privilege, right of way and franchise is hereby granted to said Western Pacific Railway Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, during the term of forty-seven years from the date of the passage of this Ordinance to construct, lay down, maintain and operate said railroad tracks and said railroad, and to run its engines, cars and trains, propelled by steam or other lawful power, over, along and upon the streets, avenues, alleys, lanes, places and courts, levees, property, places and route and parts thereof named and described; provided that the free use of said streets shall not be unnecessarily obstructed thereby.

The said Western Pacific Railway Company, its successors in interest and assigns, is hereby granted the right, privilege, franchise, permission and right of way along, across, over, upon and connecting with the right of way, yards, terminals, station grounds and properties along the route herein set forth, now owned by said railroad company, and such as may be acquired by it, its successors in interest and assigns; and along, over, across, upon and connecting with any and all streets, avenues, alleys, lanes, places and courts which may be hereafter opened through or within or into said right of way, yards, terminals, station grounds or properties.

Sec. 2. Whenever the railroad track or tracks of said Western Pacific Railway Company hereby authorized to be constructed is or are laid upon any public street, the said Western Pacific Railway Company, its successors in interest and assigns, is required to keep the streets in repair between the tracks and along and within the distance of two feet upon each side of the tracks occupied by said company; and shall, upon order of the City Council, grade or regrade, gravel or regravel, plank or replank, pave or repave, macadamize or remacadamize, with such material as shall be ordered by said City Council, any or all

portions of the streets along which the aforesaid track is laid, between the rails thereof, and for a width extending two feet on each side of said tracks.

Sec. 3. The rights and privileges hereby granted to said railroad company are dependent for their continuance and validity upon the performance by said company, its successors or assigns, of the following conditions, to-wit:

First—The said railroad company, its successors and assigns, shall construct and maintain the tracks and roadbed hereinbefore mentioned upon said streets to the official grade thereof when required so to do by the City Council, and if not so required, then the grade adopted by said company shall be subject to the approval of such Council.

Second—Said railroad shall provide and maintain in good repair and condition crossings over its tracks and roadbed where the same crosses any of the streets and avenues herein mentioned; such crossings shall be constructed the full width of the street and approaches made thereto on a slope of not less than 25 to 1 and so as to provide a safe and convenient crossing for teams, carriages and vehicles.

Third—At no time shall the cars or trains of said company, its successors or assigns, be allowed to stand upon any street crossing except for the purpose of operating the same, and then not longer than ten minutes at any time.

Fourth—Said railroad company, its successors and assigns, shall construct and maintain suitable culverts for the passage of water at such points on said roadbeds as shall be designated by the City Council.

Fifth—The City Council reserves the power to make and enforce valid Ordinances and regulations for the safety and protection of the traveling public occasioned by the operation of said railroad under this franchise.

Sixth—If the said railroad company shall fail for thirty (30) days to accept, in writing, filed with the City Clerk of said city, the franchise, rights and obligations herein granted, then this Ordinance shall be of no force or effect.

Sec. 4. Whenever the line of said railroad passes over the right of way owned by said Western Pacific Railway Company, and whenever the line of said railroad shall pass over a right of way to be acquired subsequently by said Western Pacific Railway Company, or by its successors in interest and assigns, the right, permission, privilege and franchise, is granted by the City of Stockton, in so far as it lies within the power of the City of Stockton to grant the same.

All privileges, permission and rights required by said Western Pacific Railway Company, its successors in interest and assigns, for the construction and maintenance of said line of railroad, switches, crossings, sidings, turnouts, slip switches, spur tracks, yard tracks, depot tracks and terminal tracks, and all the connections in conjunction therewith and appendages and adjuncts thereto through private property upon the proposed line of said railroad, are to be secured by said Western Pacific Railway Company, its successors in interest and assigns, from the owners of such property.

This Ordinance shall take effect and be in force and effect from and after its passage and approval.

ORDINANCE No. 77.

(Approved December 2, 1891.)

An Ordinance Granting to James A. Louttit, His Successors in Interest and Assigns, the Franchise, Right, Right of Way and Permission to Construct, Maintain and Operate for Himself, His Successors in Interest and Assigns, a Street Railroad Propelled by Cable, Run by Stationary Engine, or by Electricity, Natural Gas, Compressed Air or Other Lawful Motor Power Than Movable Steam Engines or Horses or Mules, With the Necessary Poles, Wires and Other Electric and Mechanical Appliances, Turnouts, Switches and Turntables, Over and Along the Following Streets and Portions of Streets in the City of Stockton, County of San Joaquin, State of California, To-wit:

On Main street from the east line of East street westerly to El Dorado street, and thence northerly along El Dorado street to the north line of Magnolia street, with a branch extending therefrom along Acacia street westerly to the west line of Tule street. Also on California street from the north line of North street southerly to Market street and thence westerly on Market street to San Joaquin street, and thence southerly along San Joaquin street to the south line of South street, with a branch extending therefrom along Church street westerly to Center street, and thence southerly along Center street to the north line of Mormon avenue. Also a branch from said San Joaquin-street line extending easterly along Clay street to Ophir street; thence southerly along Ophir street to the north line of South street. Also northerly along Pilgrim street from Main-street line to Poplar street; also southerly along Pilgrim street from Main-street line to Clay street.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to James A. Louttit, his successors in interest and assigns, for the term of fifty (50) years from the approval of this Ordinance, but subject to all the terms and conditions hereinafter made or expressed, the franchise, right, right of way and privilege to construct, lay down, maintain and repair a double-track street railroad track, together with the necessary turnouts, turntables, switches and other appliances and apparatus for propelling, drawing or running on said tracks street cars propelled, drawn or run by electricity, by stationary engines, by cables, by natural gas, by compressed air or by any lawful motive power other than movable steam engines, horses or mules, over and along the following-named streets in the City of Stockton, County of San Joaquin, State of California, to-wit:

On Main street from East street to El Dorado street, and thence along El Dorado street to the north line of Magnolia street, with a branch extending along Acacia street to the west line of Tule street.

Also on California street from north line of North street to Market street, and thence on Market street to San Joaquin street, and thence on San Joaquin street to the south line of South street, with a branch extending therefrom along Church street to Center street, and thence along Center street to the north line of Mormon avenue; also a branch from San Joaquin street along Clay street to Ophir street; thence along Ophir street to the south line of South street; also along Pilgrim street from Main-street line to Poplar street; also along Pilgrim street from Main-street line to Clay street.

Sec. 2. The City of Stockton hereby grants to said James A. Louttit, his successors in interest and assigns, for the period of fifty (50) years from the approval of this Ordinance, but subject to the terms and conditions hereinafter made or expressed, the franchise, right and privilege to run, propel or draw over and along the streets aforesaid, street cars run, propelled or drawn by cable, by stationary engine, by electricity, by natural gas, by compressed air, or by any lawful motive power other than movable steam engines, or horses or mules, for the conveyance of passengers and freight for hire, and grants also to the same parties, subject to the same terms and conditions, for the period of six (6) months, and no longer, from the approval of this Ordinance, the franchise, right and privilege to run, propel or draw over and along the streets now occupied by the Stockton Street Railroad Company, or tracks aforesaid, street cars run, propelled or drawn by horses, mules or any motive power other than movable steam engines, for the conveyance of passengers and freight for hire.

Sec. 3. The said street railroad track must be double throughout its entire length, and the rails thereof throughout its entire length must be of the most approved flat-rail pattern used for street railroads, and be laid and kept flush with the surface of the street and so as to present the least possible obstruction or impairment of the ordinary use of the street by the public.

The two tracks constituting said double track shall be equidistant from the center line of the street, shall be of not more than five (5) feet gauge, and the center line of each of them shall be not less than eight (8) nor more than ten (10) feet distant from the center line of the other.

The cars used shall be of the pattern and kind most approved for the comfort, convenience and safety of passengers, and all electric motor cars shall be lighted by electricity.

Sec. 4. The roadbed, the space between the two tracks, and two feet on the outer side of each and both of the same and throughout the entire length of the street used for said track, must and shall be improved at the expense of said grantee, his successors in interest or assigns, at the same time when and with such materials as other portions of the streets may be improved by order of the City Council, and thereafter kept in continuously good repair under the supervision of the Superintendent of Streets and to his satisfaction, and that of the City Council, and with such good and substantial crossings as may be required by the City Council or Superintendent of Streets.

Sec. 5. This franchise is granted upon each and all of the following conditions, viz.:

First—That single fares on such road shall not exceed 5 cents.

Second—That the construction of said track and railroad be commenced in good faith, and not merely colorably, within six months from the date of the approval of this Ordinance.

Third—That every portion of the track for which this franchise is granted which is to be laid on streets, or parts of streets, over or along which there are now grants or franchises, to or held by the Stockton Street Railroad Company, shall be completed within one year after the date of the approval of this Ordinance, and all other portions of the same within two years after said date.

Fourth—That the cars of said railroad and said railroad be running and in full operation for the conveyance of passengers throughout

the entire length of the track hereinbefore specified (and which shall not have been abandoned by and with the consent of the City Council as hereinafter provided) within two years from the date of the approval of this Ordinance.

Fifth—That if electricity be used on said railroad for a motive power, the height above the roadway of the overhead conducting wires shall not be less than twenty (20) feet, and the poles to be of ornamental iron or wood and in size and pattern satisfactory to the City Council, and set not less than one hundred (100) feet apart (excepting at street crossings) and in the sidewalk space, within the curb lines, under the direction of the Superintendent of Streets, and at all times kept well painted.

Sixth—That the grantee or holder of this franchise shall, within thirty (30) days from the date of the approval of this Ordinance, file with the Clerk of the City Council a bond, with two or more sufficient sureties, in the penal sum of $5,000, such bond to be approved by the City Council, conditioned for the faithful completion of said track and railroad in accordance with the terms, provisions and conditions of this Ordinance.

Seventh—That the grantee shall, within ten (10) days after the approval of this Ordinance, pay or cause to be paid all expenses of publication incurred in the publication of this Ordinance or franchise.

Eighth—That after the completion of said railroad, or such part thereof as it may become lawful to complete, cars for passengers shall be continuously and regularly run on said road as follows (unavoidable accidents excepted):

On Main street from Sacramento street to El Dorado street, one car each way at least every ten minutes from 7 o'clock A. M. to 8 o'clock P. M., and at least every thirty minutes from 8 o'clock P. M. to 10 o'clock P. M.

On El Dorado street from Main street to Magnolia street, one car each way at least every ten minutes from 7 o'clock A. M. to 8 o'clock P. M., and one car each way at least every thirty minutes from 8 o'clock P. M. to 10 o'clock P. M.

On California street from Main street to North street, one car each way at least every fifteen minutes from 7 o'clock A. M. to 8 o'clock P. M., and one car each way at least every thirty minutes from 8 o'clock P. M. to 10 o'clock P. M.; and on California street from Main street to Market street, and on Market street from California street to San Joaquin street, and on San Joaquin street from Market street to South street, one car each way at least every fifteen minutes from 7 o'clock A. M. to 8 o'clock P. M., and one car each way at least every thirty minutes from 8 o'clock P. M. to 10 o'clock P. M.; and on all other streets hereinbefore named as being the location or route of said track or railroad one car each way at least every thirty minutes from 7 o'clock A. M. to 8 o'clock P. M., except that on Clay street to Ophir street, thence to South street, and on Pilgrim street from Main street to Clay streets, cars may be run as the grantee herein, his successors or assigns may determine.

Ninth—That said James A. Louttit, his successors or assigns, shall procure and file with the City Clerk within thirty days after the approval of this Ordinance the release, surrender and abandonment by the Stockton Street Railroad Company of all and singular the rights, grants, privileges and franchises held or had by said company from or through the City Council of the City of Stockton at the date of the passage of this Ordinance, and at the same time file a written accept-

ance of this grant or franchise, and until both said abandonment by said Stockton Street Railroad Company and such written acceptance of this grant or franchise shall have been so as aforesaid filed, no rights or interest whatsoever shall vest in any person by reason of or under this grant, franchise or Ordinance.

Tenth—That a license rate of $10.00 per car be paid per annum upon each and every car, except trailers, run under this Ordinance or franchise during the five years next after the completion of the road, but to commence not later than one year from and after the approval of this Ordinance, and that thereafter there be paid semi-annually one-quarter of one per centum of the gross receipts of said railroad according to a verified statement of the same.

Sec. 6. The City Council may, on a satisfactory showing by said grantee, his successors in interest or assigns, extend the time hereinbefore fixed for the completion of said track or railroad, and upon such terms as to said Council may seem just and proper. And said James A. Louttit, his successors in interest or assigns, may at any time file a written petition with the City Clerk asking the privilege of abandoning any part of this franchise, or the use of any part of the route or track of said railroad hereinbefore described, or to be released from any obligation to construct or operate any part of said railroad, and the City Council may thereupon grant or deny the prayer of such petition, and if it grants the same, prescribe and affix such terms and conditions as the said City Council may determine.

Sec. 7. The procuring and filing by said James A. Louttit, his successors in interest or assigns, of the release and abandonment by the Stockton Street Railroad Company, as set forth in Section 5, Subdivision 9, herein, is a moving consideration for the franchises, rights, permissions and privileges herein granted, and the same are granted in pursuance of Subdivision 34 of Section 30 of the Charter of the City of Stockton, adopted by Joint Resolution No. 4 of the Legislature of the State of California, on the second day of March, 1889, said James A. Louttit, in his own behalf and in behalf of his successors in interest and assigns, having agreed to procure and file said abandonment and release and pay from the completion of said railroad, but to commence not later than one year from the date of the approval of this Ordinance, the sum of $10.00 per annum as a license upon each car, except trailers, for five years, and at the expiration of five years after said railroad is completed, and thereafter semi-annually, the largest per centum of the gross receipts of said road, to-wit: One-quarter of one per centum according to the verified statement of the same.

Sec. 8. This Ordinance shall take effect and be in force from and after its passage and approval.

[NOTE.—That part of the foregoing franchise which affects, covers and relates to the following-described parts of certain streets in the City of Stockton, as follows, to-wit: Commencing at the center line of Main street on California street, and running thence on said California street southerly to Market street, and thence on said Market street from said California street westerly to San Joaquin street, was abandoned in pursuance of Ordinance No. 87, approved May 24, 1892. O. B. 5—283.

[Likewise that part from San Joaquin street along Church street westerly to Center street, and thence southerly along Center street to the north line of Mormon avenue. And from San Joaquin street

along Clay street easterly to Ophir street, and thence along Ophir street southerly to the north line of South street. And along Pilgrim street from Main street to Poplar street. And along Pilgrim street southerly from Main street to Clay street. And along Acacia street from El Dorado street westerly to the westerly line of Tule street, was abandoned in pursuance of Ordinance No. 100, approved January 9, 1893. O. B. 5—348.]

ORDINANCE No. 88.

(Approved May 24, 1892.)

Granting to the Stockton Electric Railroad Company a franchise for street railroad on San Joaquin street, between Main and Market.

Franchise substantially the same as No. 77.

ORDINANCE No. 91.

(Approved August 1, 1892.)

Granting to the Stockton Electric Railroad Company a franchise for street railroad on El Dorado street, from Magnolia to North.

Franchise substantially the same as No. 77.

ORDINANCE No. 391.

(Approved March 30, 1905.) O. B. 7—40.

An Ordinance Granting to the Stockton Electric Railroad Company (a Corporation), Its Successors in Interest and Assigns, the Franchise, Right, Right of Way, Privilege and Permission to Construct, Maintain and Operate, for Itself, Its Successors in Interest and Assigns, a Street Railroad Propelled by Cable, Run by Stationary Engine or by Electricity, Natural Gas, Compressed Air or Other Motive Power Other Than Movable Steam Engines, or Horses or Mules, With the Necessary Poles, Wires and Other Electrical and Mechanical Appliances, Curves, Turnouts, Switches and Turntables, Over, Along and Across the Following Streets and Portions of Streets in the City of Stockton, County of San Joaquin, State of California, as Follows: On Poplar Street, From the Center Line of El Doraido Street, and Connecting at Said Point With the Present Franchise, Right, Right of Way, Privilege and Permission Now Held by the Stockton Electric Railroad Company Under Ordinance of the City of Stockton No. 77, and Running Thence Westerly on Poplar Street to the West Line of West Street.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to the Stockton Electric Railroad Company (a corporation), its successors in interest and assigns, for the term of fifty (50) years from and after the date of the approval of this Ordinance, subject to all the terms and conditions hereinafter made and expressed, the franchise, right, right of way, privilege and permission to construct, lay down, maintain and repair a single or double street railroad track, together with the necessary turnouts, turntables, curves and switches, and other appliances and apparatus for propelling, drawing or running on said track or

tracks street cars operated, propelled, drawn or run by electicity, by stationary engine, by cable, by natural gas, by compressed air, or by any other lawful motive power other than movable steam engines, horses or mules, over, along, upon and across the following-named streets and portions of streets in the City of Stockton, County of San Joaquin, State of California, as follows: On Poplar street, from the center line of El Dorado street, and connecting at said point with the present franchise, right, right of way, privilege and permission now held by the Stockton Electric Railroad Company under Ordinance No. 77 of the City of Stockton, and running thence westerly on Poplar street to the west line of West street.

Sec. 2. The rails of said railroad track or tracks throughout its entire length must be of the most approved flat-rail pattern used by street railroads operated by electricity, cables or other motors than steam.

If a double track, then the two tracks constituting such double track shall be equal distance from the center line of the street, and shall be of not more than five (5) feet gauge, and the center line of each of them shall be not less than eight (8) nor more than eleven (11) feet distant from the center line of the other.

The cars used shall be of the pattern and kind most approved for the comfort, convenience and safety of the passengers, and all electric motor cars shall be lighted by electricity.

Sec. 3. The railroad, the space between the two tracks, if there be a double track, and two feet on the outer side of each and both of the same, and throughout the entire length of the street used for said track or tracks, must and shall be improved at the expense of the grantee, its successors in interest and assigns, with such materials as other portions of the streets may be improved by order of the City Council, and thereafter kept in continual good repair, under the supervision of the Superintendent of Streets, and to his satisfaction, and that of the City Council, and with such good and suitable crossings as may be required by the City Council or the Superintendent of Streets.

Sec. 4. This franchise is granted upon each and all of the following conditions:

First—That single fares on such road shall not exceed five (5) cents.

Second—That the construction of said track or tracks and railroad be commenced in good faith, and not merely colorably, within four months from the date of the approval of this Ordinance, and said work shall be completed within not more than one year thereafter.

Third—That the cars of said railroad and said railroad shall be running and in operation for the conveyance of passengers only throughout the entire length of said track or tracks hereinbefore specified, within one year from the date of the approval of this Ordinance.

Fourth—That if electricity be used on said railroad for motive power, the height above the roadway of the overhead conducting wires shall not be less than twenty (20) feet, and the poles to be of ornamental iron or wood and of size and pattern satisfactory to the City Council, and set not less than one hundred (100) feet apart (except at street crossings), and the sidewalk space, within the curb lines, under the direction of the Superintendent of Streets, and at all times kept well painted.

Fifth—That after the completion of said railroad, cars for passengers shall be continually and regularly run on said road as follows: One car each way at least every fifteen minutes from 7 o'clock A. M. to 11 o'clock P. M.

Sixth—That said grantee shall within ten (10) days after the approval of this Ordinance, pay or cause to be paid, all expenses of publication incurred in the publication of this Ordinance or franchise.

Seventh—Said grantee, its successors in interest or assigns, shall during the life of said franchise, pay to the City of Stockton two (2) per cent of the gross annual receipts of the person, firm or corporation to whom the said franchise is awarded arising from its use, operation or possession; that no such percentage, or any percentage, shall be paid for, or during, the first five (5) years succeeding the date of this franchise, but thereafter said percentage shall be payable, and be paid, annually; provided, however, that said application and petition of said Stockton Electric Railroad Company (a corporation) is for an extension of its present existing system of street railroads in the City of Stockton, California, and that the gross receipts shall be estimated to be one-half (½) of the proportion of the total gross receipts of said system which the mileage of such extension bears to the total mileage of the whole system; and said estimate shall be conclusive as to the amount of the gross receipts of such extension; and in the event that said payment hereinbefore provided for is not made, said franchise herein granted shall be forfeited.

Sec. 5. Said grantee, its successors in interest or assigns, shall, at its own expense, pave or repave, macadamize or remacadamize, grade or regrade, the entire length of the streets used by its track or tracks between the rails thereof, and for two feet on each side thereof, and between the tracks where sidings or two tracks are laid, with the same material as may be used for such purpose by the City of Stockton, and under the same supervision and specifications, and in the same manner as upon the streets, or portions of streets, over which the railroad runs, or the track or tracks thereof are laid, and shall keep the same constantly in repair and flush with the streets, and with good crossings.

Sec. 6. Said grantee, or its successors in interest or assigns, shall construct all necessary flumes and culverts for the free passage of the surface water under the track or tracks of said railroad, when required, and all such culverts and flumes shall be constructed in accordance with the plans and specifications approved by the City Engineer of the City of Stockton.

Sec. 7. Said grantee, its successors in interest and assigns, shall also have the right to excavate and remove such portions of said streets, occupied, or to be occupied, by tracks or poles as may be necessary in the proper construction of said railroad, and the erection of needful apparatus and other appliances to properly and fully equip said railroad.

Sec. 8. The rights hereinbefore granted are upon the express conditions that the said grantee, its successors in interest or assigns, shall at all times during the continuation of said franchise aforesaid, permit and allow mail carriers and police officers, while engaged in the actual discharge of duty, to ride on any of the cars of said railroad without paying any sum of money whatsoever for fare, or otherwise; and that the franchise hereby granted shall not be in operation or effect until said grantee shall have filed its written promise and undertaking as hereinafter provided.

Sec. 9. Said grantee is required to file in the office of the City Clerk of the City of Stockton an acceptance, in writing, of the provisions of this Ordinance, and the promise and undertaking to permit all mail carriers and police officers to ride on said cars as in the last preceding section of this Ordinance provided, and thereupon the provisions of this Ordinance shall be taken and deemed to be a contract between said grantee, its successors in interest and assigns, and said City of Stockton. Unless said acceptance, promise and undertaking be filed within five (5) days after the approval of this Ordinance, this Ordinance shall become and be null, void and of no effect.

Sec. 10. The grantee of the franchise hereby granted shall file a bond, running to said City of Stockton, with at least two good and sufficient sureties, or with a surety company, as sureties, to be approved by said City Council, in the penal sum of $2,000, conditioned that said grantee shall well and truly observe forever and perform each and every term and condition of said franchise, and that in case of any breach of the conditions of said bond that the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with said City Council within five (5) days after such franchise is awarded.

Sec. 11. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 323.

(Approved August 14, 1902.) O. B. 6—204.

An Ordinance Granting to H. H. Griffiths, His Succesors in Interest and Assigns, the Franchise, Right, Right of Way and Permission to Construct, Maintain and Operate for Himself, His Successors in Interest and Assigns, a Street Railroad Propelled by Wire Ropes Running Under the Streets and Moved by Stationary Engines or by Electricity or Other Lawful Motive Power Other Than Movable Steam Engines or Horses or Mules, With the Necessary Poles, Wires and Other Electric and Mechanical Appliances, Turnouts, Switches and Turntables, Over and Along the Following Streets and Portions of Streets in the City of Stockton, County of San Joaquin, State of California:

On San Joaquin street, from center line of Weber avenue northerly to north line of North street.

On North street, from center line of San Joaquin street easterly to center line of Ophir street.

On Ophir street, from north line of North street southerly to center line of Park street.

On Park street, from center line of Ophir street westerly to center line of San Joaquin street.

On Flora street, from center line of San Joaquin street westerly to center line of Yosemite street.

On Yosemite street, from center line of Flora street northerly to center line of Vine street.

On Vine street, from center line of Yosemite street easterly to center line of San Joaquin street.

On Weber avenue, from center line of Center street easterly to center line of Aurora street.

On Aurora street, from center line of Park street southerly to center line of Market street.

On Market street, from center line of Aurora street easterly to east line of East street.

On Pilgrim street, from center line of Park street southerly to center line of South street.

On South street, from center line of Pilgrim street westerly to center line of California street

On California street, from center line of Weber avenue southerly to south line of South street.

On Center street, from south line of South street northerly to center line of Weber avenue.

On Scott's avenue, from center line of Center street easterly to west line of Hunter street.

On Sonora street, from center line of Pilgrim street westerly to center line of Center street.

Whereas, All matters, acts and things precedent to the granting of the franchise and grant, hereinafter set forth, have heretofore happened, been done and performed in due form of law;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to H. H. Griffiths, his successors in interest and assigns, for the term of fifty years from and after the approval of this Ordinance, but subject to all the terms and conditions hereinafter made or expressed, the franchise, right, right of way and privilege to construct, lay down, maintain and repair a single or double track street railroad track, together with the necessary turnouts, turntables, switches and other appliances and apparatus for propelling, drawing or running on said track or tracks street cars, propelled, drawn or run by wire ropes running under the streets and moved by stationary engines, electricity, or by any other lawful motive power other than movable steam engines, horses or mules, over and along the following-named streets, in the City of Stockton, County of San Joaquin, State of California, to-wit:

On San Joaquin street, from center line of Weber avenue northerly to north line of North street.

On North street, from center line of San Joaquin street easterly to center line of Ophir street.

On Ophir street, from north line of North street southerly to center line of Park street.

On Park street, from center line of Ophir street westerly to center line of San Joaquin street.

On Flora street, from center line of San Joaquin street westerly to center line of Yosemite street.

On Yosemite street, from center line of Flora street northerly to center line of Vine street.

On Vine street, from center line of Yosemite street easterly to center line of San Joaquin street.

On Weber avenue, from center line of Center street easterly to center line of Aurora street.

On Aurora street, from center line of Park street southerly to center line of Market street.

On Market street, from center line of Aurora street easterly to east line of East street.

On Pilgrim street, from center line of Park street southerly to center line of South street.

On South street, from center line of Pilgrim street westerly to center line of California street.

On California street, from center line of Weber avenue southerly to south line of South street.

On Center street, from south line of South street northerly to center line of Weber avenue.

On Scott's avenue, from center line of Center street easterly to west line of Hunter street.

On Sonora street, from center line of Pilgrim street westerly to center line of Center street.

Sec. 2. The City of Stockton hereby grants to said H. H. Griffiths, his successors in interest and assigns, for the period of fifty years from and after the approval of this Ordinance, but subject to the terms and conditions hereinafter made or expressed, the franchise, right and privilege to run, propel or draw over and along the streets aforesaid, street cars, run, propelled or drawn by wire ropes running under the streets and moved by stationary engines, by electricity or by any lawful motive power other than movable steam engines or horses or mules, for the conveyance of passengers for hire. Save and except that said H. H. Griffiths, his successors in interest and assigns, shall be allowed and permitted to haul gravel over said track or tracks between the hours of 12 o'clock midnight and 6 o'clock A. M. for the purposes of public improvement.

Sec. 3. The foregoing grants are made upon the following conditions, to be strictly complied with by the said grantee, his successors and assigns:

First—To construct the tracks of said railroad on those portions of the streets and avenues above designated as nearly as possible in the middle thereof.

Second—To plank, pave or macadamize the entire length of the street used by their tracks, between the rails and for two feet on each side thereof, and between the tracks, if there be more than one, and to keep the same constantly in repair, flush with the street, and with good crossings.

Third—The tracks must not be more than five feet wide within the rails, and must have a space between them sufficient to allow the cars to pass each other freely.

Fourth—Such rails shall be laid down as are the most approved flat-rail pattern for street railway operated by horses, mules, cables or other motors than steam.

Fifth—That single fares on such railway shall not exceed 5 cents

Sixth—Said grantee or his successors in interest and assigns shall, during the life of said franchise, pay to the City of Stockton 2 per cent of the gross annual receipts of said grantee, or his successors in interest and assigns, arising from the use, operation or possession of said franchise. No such, or any, percentage shall be paid for or during the first five years succeeding the date of this franchise, but thereafter said percentage shall be payable and be paid annually, and in the event that said payment herein provided for is not made, said franchise hereby granted shall be forfeited.

Sec. 4. Said grantee or his successors in interest and assigns shall, at his own expense, pave or repave, macadamize or remacadamize, grade or regrade, the entire length of the streets used by these tracks between the rails thereof, and for two feet on each side thereof, and between the tracks where sidings or two tracks are laid, with the same material as may be used for such purposes by the City of Stockton, and under the same supervision and specifications, and in the same manner as upon the streets or portions of streets over

which the railway runs or the track or tracks thereof are laid, and shall keep the same constantly in repair, flush with the streets, and with good crossings.

Sec. 5. Said grantee or his successors in interest and assigns shall construct necessary flumes and culverts for the free passage of surface water under the tracks of said railway, and all such culverts and flumes shall be constructed in accordance with the plans and specifications approved by the City Engineer of the City of Stockton.

Said grantee, his successors in interest and assigns shall also have the right to excavate and remove such portions of the streets occupied or to be occupied by tracks and poles as may be necessary to properly construct said railway, and to erect needful apparatus and other appliances to properly and fully equip said railway.

Sec. 6. The rights hereinbefore granted are upon the express condition that the said grantee, his successors and assigns, shall at all times during the continuance of the franchise aforesaid permit and allow mail carriers and police officers at all times, while engaged in the actual discharge of duty, to ride on the cars of such railway without paying any sum of money whatever for fare or otherwise, and that the franchise hereby granted shall not be operative or effectual until said grantee shall have filed his written promise and undertaking as hereinafter provided.

Sec. 7. Said grantee is required to file in the office of the City Clerk of the City of Stockton an acceptance in writing of the provisions of this Ordinance, and the promise and undertaking to permit all mail carriers and police officers to ride on its said cars as in the last preceding section of this Ordinance provided, and thereupon the provisions of this Ordinance shall be deemed and taken to be a contract between said grantee, its successors and assigns, and the said City of Stockton. Unless said acceptance, promise and undertaking be filed within five days after the approval of this Ordinance, this Ordinance shall become, be and remain null, void and of no effect.

Sec. 8. The grantee of said franchise hereby granted, and his successors in interest and assigns, shall not build or construct any turnouts or switches on that portion of South street, between Pilgrim street and Aurora street, and the grantee of such franchise and privilege shall furnish sufficient gravel to the City of Stockton to properly gravel South street to the official grade from curb to curb between Pilgrim street and California street, in said City of Stockton.

Sec. 9. In case the City of Stockton builds bridges over the North-street canal, where the said canal is crossed by San Joaquin street, or Ophir street, or either of them, the grantee of the said franchise and privilege, his successors and assigns, shall contribute towards the payment of the cost of building such bridge or bridges one-half of the amount necessary to complete said bridge or bridges.

Sec. 10. Cars shall be run over said railroad at least every hour between the hours of 7 o'clock in the morning and 9 o'clock in the evening, except when prevented from so doing by riot, strikes or by the elements or unavoidable causes.

Sec. 11. The grantee of the franchise hereby granted shall file a bond running to said City of Stockton, with at least two good and sufficient sureties, to be approved by said City Council, in the penal sum of five thousand dollars ($5,000), conditioned that such grantee

shall well and truly observe, fulfill and perform each and every term and condition of such franchise, and that in case of any breach of condition of such bond the whole amount of the penal sum therein named shall be taken and deemed to be liquidated damages, and shall be recoverable from the principal and sureties upon said bond. Said bond shall be filed with such City Council within five days after such franchise is awarded.

Sec. 12. The work to construct said railway hereby authorized shall be commenced in good faith within not more than four months from the granting of said franchise; and said work shall be completed within not more than three years thereafter.

Sec. 13. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 423.

(Approved October 10, 1906.) O. B. 7—104.

An Ordinance Granting to the Central California Traction Company (a Corporation), Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Right, Privilege, Permission, Right of Way and Franchise to Construct, Lay Down, Maintain and Operate, for the Term of Forty-Seven Years, a Single or Double-Track Street Railway of Standard Gauge for Passengers for Hire, Together With the Right, Privilege, Permission, Right of Way and Franchise to Lay Down, Construct, Operate and Maintain Turnouts, Turntables, Switches, Poles and Other Appliances for Propelling, Drawing or Running Thereon Cars for Passengers, Propelled, Drawn or Run by Electricity Supplied by or Taken From Overhead or Underground Wire or Wires, or by Electricity Supplied or Taken Otherwise, or by Wire Ropes Running Under the Streets and Moved by Stationary Engines or by Any Lawful Motive Power Other Than Movable Steam Engines, Horses or Mules, On, Along and Upon the Following Streets, Avenues, Alleys, Lanes, Places and Route in the City of Stockton, County of San Joaquin, State of California:

On Park street, from the center line of Ophir street, along Park street to the center line of East street; thence northerly on East street from the center line of Park street to a point in the center line of East street, which is 119.60 feet northerly from the point where the northerly line of Poplar street, produced easterly, would intersect with the center line of East street; thence north 30 degrees 35 minutes east 60.50 feet to the easterly line of East street.

Whereas, All notices required by law have been duly given, and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth, have heretofore been had and performed in due form of law; and,

Whereas, Said franchise was struck off, sold and awarded to the Central California Traction Company (a corporation), who made the highest cash bid therefor; and,

Whereas, Said Central California Traction Company (a corporation), duly filed with the City Council of the City of Stockton, within five days after the award of said franchise, a bond, conditioned and approved as required by law and the order of said City Council;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Central California Traction Company (a corporation), its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use for the term of forty-seven years from the date of the passage of this Ordinance the streets, avenues, alleys, lanes, places and route in the City of Stockton, County of San Joaquin, State of California, hereinafter named and described; and to that end the said Central California Traction Company (a corporation), its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain, operate and repair, for the term of forty-seven years, a single or double track street railway of standard gauge, for passengers for hire, together with the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate all turnouts, turntables, sidetracks, switches, poles or other appliances and apparatus for propelling, drawing or running thereon cars, propelled, drawn or run by electricity supplied by or taken from overhead or underground wire or wires, or by electricity supplied or taken otherwise, or by wire ropes running under the streets and moved by stationary engines, or by any lawful motive power other than movable steam engines, horses or mules, on, over and along the following streets, avenues, alleys, lanes, places and route in the City of Stockton, County of San Joaquin, State of California, to-wit:

On Park street, from the center line of Ophir street, along Park street to the center line of East street; thence northerly on East street from the center line of Park street to a point in the center line of East street, which is 119.60 feet northerly from the point where the northerly line of Poplar street, produced easterly, would intersect with the center line of East street; thence north 30 degrees 35 minutes east 60.50 feet to the easterly line of East street.

Sec. 2. The work to construct said street railway shall be commenced in good faith within not more than four months from the granting of the franchise, and if not commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise shall be forfeited; provided, that for good cause shown the City Council of the City of Stockton may extend the time for the completion thereof not to exceed three months.

Sec. 3. The foregoing grants are made upon the following conditions, to be strictly complied with by said grantee, its successors in interest and assigns:

First—The rails of said railway, throughout its entire length, must be of the most approved pattern for street railways operated by horses, mules, cables or other motors than steam.

Second—The tracks of said railway on the above described route must be constructed as nearly as possible in the center thereof.

Third—The tracks of said railway must not be more than five feet gauge, and where they are double tracks the center line of each of them shall be not less than ten feet nor more than twelve feet distant from the center line of the other.

Fourth—The cars of said railway must be of the pattern and kind best adapted for the comfort, convenience and safety of the passengers.

Fifth—Single fares of said railway shall not exceed 5 cents.

Sixth—Where the grantee of said franchise lays a single track, he may at any time thereafter during the life of said franchise replace the same with a double track.

Sec. 4. The grantee of said franchise and assigns shall have the right to excavate and remove portions of the streets along the route above described, necessary to properly construct said work, and to erect all needful apparatus to properly build said road.

Sec. 5. The grantee of said franchise, or its successors in interest or assigns, shall, at its own expense, pave or repave, macadamize or remacadamize, grade or regrade the entire length of the streets occupied by the tracks between the rails thereof, and between the tracks where two tracks are laid, and two feet on the outer side of each or both of the same, with the same material as may be used for such purpose by the City of Stockton, and under the same supervision and specifications, and in the same manner as upon the streets or portions of streets over which the railway runs, or the track or tracks thereof are laid, and shall keep the same constantly in repair, flush with the streets, and with good crossings.

Sec. 6. The Central California Traction Company (a corporation), its successors and assigns, must, during the life of this franchise, pay to the City of Stockton 2 per cent of the gross annual receipts arising from the use, operation and possession of the said franchise.

No percentage shall be paid for the first five years succeeding the date of this franchise, but thereafter such percentage shall be payable annually, and in the event said payment is not made, this franchise shall be forfeited.

Sec. 7. Cars shall be run over said street railway at least every thirty minutes between the hours of 6:30 o'clock in the morning and 11 o'clock in the evening, except when prevented from so doing by riots, strikes or by the elements or unavoidable causes.

Sec. 8. The rights hereinbefore granted are upon the express condition that the said grantee, its successors in interest and assigns, shall at all times during the continuation of this franchise, permit and allow mail carriers and police officers, while engaged in the actual discharge of duty, to ride on any of the cars of said railway without paying any sum of money whatsoever for fare or otherwise.

Sec. 9. That the said Central California Traction Company, its successors in interest and assigns, shall have the right, privilege and permission to transport gravel over the said railroad between the hours of 12 o'clock midnight and 6 o'clock A. M. for the purpose of public improvement.

Sec. 10. Said grantee is required to file in the office of the City Clerk of the City of Stockton an acceptance in writing of the provisions of this Ordinance and unless acceptance be filed within five days after the approval of this Ordinance this Ordinance shall become and be null and void and of no effect.

Sec. 11. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 448.

(Approved September 18, 1907.) O. B. 7—161.

An Ordinance Granting to the Central California Traction Company, Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Right, Privilege, Permission, Right of Way and Franchise to Construct, Lay Down, Maintain and Operate for the Term of Forty-Seven Years a Single Sidetrack or Switch for the Conveyance of Passengers for Hire, Together With the Right, Privilege, Permission, Right of Way and Franchise to Construct, Lay Down, Maintain and Operate Such Poles and Other Appliances and Apparatus for Propelling, Drawing or Running Thereon Cars for Passengers for Hire, Propelled, Drawn or Run by Electricity Supplied By or Taken From Overhead or Underground Wire or Wires, or by Electricity Supplied or Taken Otherwise, or by Wire Ropes Running Under the Streets and Moved by Stationary Engines, or by Any Lawful Motive Power Other Than Movable Steam Engines, Horses or Mules, On, Over and Along the Streets, Avenues, Alleys Lanes, Places and Route in the City of Stockton, County of San Joaquin, State of California, Described as Follows, To-wit: Commencing at a Point 9.4 Feet Southerly From the Point of Intersection of the Center Line of Weber Avenue and Center Street, Said Point Being the Point of Intersection of the Center Line of Center Street With the Center Line of the North Track of the Double Track of the Central California Traction Company's Line of Railroad on Weber Avenue; Thence Running Westerly on Weber Avenue on the Center Line of the Said North Track, Produced, a Distance of 585 Feet to a Point; Thence 42 Degrees to the Right, a Distance of 125 Feet; Thence 28 Degrees 40 Minutes to the Left, a Distance of 260 Feet to a Point.

Whereas, All notices required by law have been duly given and all matters, acts and things precedent to the granting of the franchise and grant hereinafter set forth have heretofore been had and performed in due form of law;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission, right of way and franchise is hereby granted unto the Central California Traction Company (a corporation), its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use for the term of forty-seven years from the date of the passage of this Ordinance the streets, avenues, alleys, lanes, places and route in the City of Stockton, County of San Joaquin, State of California, hereinafter named and described, and to that end the said Central California Traction Company (a corporation), its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission, right of way and franchise to construct, lay down, maintain, operate and repair for the term of forty-seven years a single sidetrack or switch for the conveyance of passengers for hire, together with the right, privilege, permission, right of way and franchise to construct, lay down, maintain and operate, such poles and other appliances and apparatus for propelling, drawing or running thereon cars for the conveyance of passengers for hire, propelled, drawn or run by electricity supplied by or taken from overhead or

underground wire or wires, or by electricity supplied or taken otherwise, or by wire ropes running under the streets and moved by stationary engines, or by any lawful motive power other than movable steam engines, horses or mules, on, over and along the following streets, avenues, alleys, lanes, places and route in the City of Stockton, County of San Joaquin, State of California, described as follows, to-wit: Commencing at a point 9.4 feet southerly from the point of intersection of the center line of Weber avenue and Center street, said point being the point of intersection of the center line of Center street with the center line of the north track of the double track of the said Central California Traction Company's line of railroad on Weber avenue; thence running westerly on Weber avenue on the center line of the said north track, produced, a distance of 585 feet to a point; thence 42 degrees to the right, a distance of 125 feet; thence 28 degrees 40 minutes to the left, a distance of 260 feet to a point.

Sec. 2. The work to construct said sidetrack or switch shall be commenced in good faith within not more than four months from the granting of the franchise, and if not commenced within said time said franchise so granted shall be declared forfeited, and shall be completed within not more than three years thereafter, and if not so completed within said time said franchise shall be forfeited; provided, that for good cause shown, the City Council of the City of Stockton shall extend the time for the completion thereof not to exceed three months.

Sec. 3. The foregoing grants are made upon the following conditions, to be strictly complied with by said grantee, its successors in interest and assigns:

First—The rails of said sidetrack or switch must be of the most approved pattern for railways.

Second—The tracks of said sidetrack or switch must be not more than five feet gauge.

Third—The cars to be operated must be of the pattern and kind best adapted for the comfort, convenience and safety of the passengers.

Sec. 4. The grantee of said franchise and assigns shall have the right to excavate and remove portions of the street along the route above described necessary to properly construct said work, and to erect all needful apparatus to properly build said track or switch.

Sec. 5. The grantee of said franchise or its successors in interest and assigns shall, at its own cost, pave or repave, macadamize or re-macadamize, grade or regrade the entire length of the streets occupied by the said sidetrack or switch between the rails thereof, and for two feet on each side thereof, with the same material as may be used for such purposes by the City of Stockton, and under the same supervision and specification and in the same manner as upon the streets or portions of streets over which the said sidetrack or switch runs, and shall keep the same constantly in repair, flush with the streets and with good crossings.

Sec. 6. The rights hereinbefore granted are upon the express condition that the said grantee, its successors in interest and assigns, shall at all times during the continuation of this franchise permit and allow mail carriers and police officers, while engaged in the actual discharge of duty, to ride on the said cars of the said railway without paying any sum of money whatsoever for fare or otherwise.

Sec. 7. The said Central California Traction Company, its successors in interest and assigns, shall have the right, privilege and permission to transport gravel over the said railroad between the hours of 12 o'clock midnight and 6 o'clock A. M. for the purpose of public improvement.

Sec. 8. Said grantee is required to file in the office of the City Clerk of the City of Stockton an acceptance in writing of the provisions of this Ordinance, and unless said acceptance be filed within thirty days after the approval of this Ordinance this Ordinance shall become and be null and void and of no effect.

Sec. 9. This Ordinance shall take effect and be in force from and after its final passage and approval.

ORDINANCE No. 450.

(Approved September 28, 1907.) O. B. 7—165.

An Ordinance Granting to the Central California Traction Company (a Corporation), Its Successors in Interest and Assigns, in So Far as It Lies Within the Power of the City of Stockton to Grant the Same, the Right, Privilege, Permission and Franchise for the Term of Forty-Seven Years to Operate Cars for the Carriage and Transportation of Both Passengers and Freight for Hire, Propelled, Drawn or Run by Electricity, Supplied by or Taken From Overhead or Underground Wire or Wires, or by Electricity Supplied by or Taken Otherwise, or by Wire Ropes Running Under the Streets and Moved by Stationary Engines, or by Any Lawful Motive Power Other Than Movable Steam Engines, Horses or Mules, On, Over, Along and Upon Its Tracks, Constructed or Hereafter to Be Constructed, Under Authority of Ordinance No. 323 of Ordinances of the City of Stockton, Adopted by the City Council of the City of Stockton on the Twelfth Day of August, 1902, and Under Authority of Ordinance No. 423 of Ordinances of the City of Stockton Adopted by the City Council of the City of Stockton on the Ninth Day of October, 1906, as the Said Tracks Are, or May Hereafter Be, Constructed On, Over, Along and Upon the Streets, Avenues, Alleys, Lanes, Places and Route in the City of Stockton, County of San Joaquin, State of California, Described as Follows:

On Center street, from the south line of South street northerly to the center line of Weber avenue.

On Weber avenue, from the center line of Center street easterly to the center line of Aurora street.

On Aurora street, from the center line of Park street southerly to the center line of Weber avenue.

On Park street, from the center line of Ophir street westerly to the center line of Aurora street.

On Park street, from the center line of Ophir street along Park street to the center line of East street; thence northerly on East street from the center line of Park street to a point in the center line of East street, which is 119.60 feet northerly from the point where the northerly line of Poplar street, produced easterly, would intersect with the center line of East street; thence north 30 degrees 35 minutes east 60.50 feet to the easterly line of East street.

Whereas, All notices required by law have been duly given, and all matters, acts and things precedent to the granting of the fran-

chise and grant hereinafter set forth, have heretobefore been had and performed in due form of law; and,

Whereas, The Central California Traction Company is a corporation organized and existing under and by virtue of the laws of the State of California, and is now engaged in laying down and constructing a railroad from the City of Sacramento, County of Sacramento, State of California, through the said City of Stockton and to the town of Modesto, County of Stanislaus, State of California; and,

Whereas, Said Central California Traction Company desires an entrance into and the route and right of way through the said City of Stockton on its proposed route between the said termini for the purposes hereinafter set forth; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission and franchise is hereby granted unto the Central California Traction Company, a corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, for the term of forty-seven years, to operate cars for the carriage and transportation of both passengers and freight for hire, propelled, drawn or run by electricity, supplied by or taken from overhead or underground wire or wires, or by electricity supplied or taken otherwise, or by wire ropes running under the streets and moved by stationary engines, or by any lawful motive power other than movable steam engines, horses or mules, on, over, along and upon its tracks constructed or hereafter to be constructed under the authority of Ordinance No. 323 of Ordinances of the City of Stockton, adopted by the City Council of the City of Stockton on the 12th day of August, 1902, and under authority of Ordinance No. 423 of Ordinances of the City of Stockton adopted by the City Council of the City of Stockton on the 9th day of October, 1906, as the said tracks are or may hereafter be constructed on, over, along and upon the streets, avenues alleys, lanes, places and route in the City of Stockton, County of San Joaquin, State of California, described as follows:

On Center street, from the south line of South street northerly to the center line of Weber avenue.

On Weber avenue, from the center line of Center street easterly to the center line of Aurora street.

On Aurora street, from the center line of Park street southerly to the center line of Weber avenue.

On Park street, from the center line of Ophir street westerly to the center line of Aurora street.

On Park street, from the center line of Ophir street along Park street to the center line of East street; thence northerly on East street from the center line of Park street to a point in the center line of East street, which is 119.60 feet northerly from the point where the northerly line of Poplar street, produced easterly, would intersect with the center line of East street; thence north 30 degrees 35 minutes east 60.50 feet to the easterly line of East street.

Sec. 2. All freight and express matter shall be hauled and transported in closed single cars having the same general appearance as passenger cars, but omitting the windows in the sides and ends thereof; said cars shall be painted in the same general color as passenger cars, and shall have a generally neat appearance; save and

except that between the hours of 12 o'clock midnight and 6 o'clock A. M. freight matter may be transported in cars such as may generally be used upon steam railroads for the transportation of freight, in trains of not more than four cars.

Sec. 3. The cars to be operated by the grantee, its successors and assigns, shall not carry on a local street railway business within the corporate limits of the City of Stockton, but shall stop only at certain stations or fixed points in said city designated by said Central California Traction Company, its successors and assigns, for the taking on and discharge of passengers and freight and for other railroad purposes.

Sec. 4. Said grantee is required to file in the office of the City Clerk of the City of Stockton an acceptance, in writing, of the provisions of this Ordinance, and unless such acceptance be filed within thirty (30) days after the approval of this Ordinance this Ordinance shall become null and void and of no effect.

Sec. 5. This Ordinance shall take effect and be in force and effect from and after its passage.

ORDINANCE No. 41.

(Being originally No. 247, approved December 27, 1887.)

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. There is hereby granted to Jerome Haas, Louis Haas, F. P. Haas, H. C. Smith, H. S. Farrington and G. C. Hyatt, and to their successors and assigns, for the term of twenty-five years from the approval of this Ordinance, the right to lay down and maintain mains and pipes for conveying natural or artificial gas in any of the city streets, avenues, alleys or ways of the City of Stockton for the purpose of supplying gas for the use of the inhabitants of said city and for lighting the streets and buildings of said city, subject to each and all of the conditions, limitations and restrictions hereinafter contained.

Sec. 2. The said pipes and mains shall be so laid down as not to interfere with or obstruct any cistern, sewer, gas or water pipe belonging to said city, or to any other person, firm or corporation, and existing or laid down by authority of law.

Sec. 3. The said persons, their successors and assigns, and their servants, agents and employes, shall have, and they are hereby given and granted, the right to dig up, break up, dig under and undermine any of the public streets, ways, places or alleys, for the purpose of laying down or gaining access to their said pipes or mains. And any person who, being permitted or authorized so to do as aforesaid, shall have broken up, dug up or disturbed, undermined or dug under any public street, way, place or alley, shall, as soon as possible, complete the work for which said street, way, place or alley shall have been broken up, dug up, disturbed, dug under or undermined, and shall, without delay, put the street, way or place in as good condition as it was before it was so broken up, dug up, disturbed, dug under or undermined and remove all surplus rock, sand, clay, earth, dirt, manure and rubbish, and shall do the same under the direction and supervision of the Street Commissioner of the City of Stockton and the Street Committee of the City Council of said City of Stockton, and shall keep the same in good repair for one year thereafter.

Sec. 4. The laying down of all pipes shall be subject to the reasonable directions of the authorities of said city having charge of the streets thereof, as to the time, place and manner of laying the same. Not more than two blocks at any one place shall be laid with pipe at any one time, and no block shall be torn up for more than ten working days.

Sec. 5. The privileges herein granted are granted upon the express condition that the municipal authorities of said city have the right at any time to grant similar privileges to others. This Ordinance shall take effect and be in force from and after January 3, 1888.

ORDINANCE No. 42.

(Being originally No. 267, approved February 12, 1889.)

The Mayor and City Council of the City of Stockton do ordain as follows:

Section 1. There is hereby granted to the Northern Natural Gas Company of Stockton, a corporation existing under the laws of the State of California, and its successors and assigns, for the term of twenty-five years from the approval of this Ordinance, the right to lay down and maintain mains and pipes for conveying natural gas in any of the public streets, alleys or ways of the City of Stockton north of Miner avenue and west of American street, for the purpose of supplying gas to the stockholders of said corporation, and supplying and furnishing the surplus, if any, of gas flowing from its well or wells to the inhabitants of said city, and for lighting the streets and buildings of said city. There is also hereby granted to said corporation and assigns, for the term of twenty-five years from the date of the approval of this Ordinance, the right to lay down and maintain pipes in any of the public streets, avenues, alleys or ways of the City of Stockton, within the limits above described, for conveying the water that may flow from its well or wells, and to discharge the same into the waterways of the city west of El Dorado street, with the privilege of connecting houses with said pipes for sewerage purposes, until such time as a system of sewerage has been provided by said city. The above all being subject to each and all of the conditions, limitations and restrictions hereinafter contained.

Sec. 2. The said pipes and mains shall be so laid down as not to interfere with or obstruct any cistern, sewer, gas or water pipe belonging to said city, or to any other person, firm or corporation, and existing or laid down by authority of law.

Sec. 3. The said corporation, its successors and assigns, and its servants, agents and employes, shall have, and they are hereby given and granted, the right to dig up, break up, dig under and undermine any of the public streets, ways, places or alleys within said limits for the purpose of laying down or gaining access to their said pipes and mains. And said corporation being permitted or authorized so to do as aforesaid and shall have broken up, dug up or disturbed, undermined or dug under any public street, way, place or alley, shall, as soon as possible, complete the work for which said street, way, place or alley shall have been broken up, dug up, disturbed, dug under or undermined, and shall, without delay, put the street, way or place in as good condition as it was before it was so broken up, dug up, disturbed, dug under or undermined, and remove all surplus rock, sand, clay, earth,

dirt, manure and rubbish, and shall do the same under the direction and supervision of the Street Commissioner of the City of Stockton and the Street Committee of the City Council of said City of Stockton, or their successors in office, and shall keep the same in good repair for one year thereafter.

Sec. 4. The laying down of all pipes shall be subject to the reasonable directions of the authorities of said city having charge of the streets thereof, as to the time, place and manner of laying the same. Not more than two blocks at any one place shall be laid with pipe at any one time, and no block shall be torn up for more than ten working days.

Sec. 5. The privileges herein granted are granted upon the express conditions that municipal authorities of said city have the right at any time to grant similar privileges to others. And also that the said authorities may, at the expense of the city, connect any fire cistern or fire plug or hydrant with the water pipes mentioned in this Ordinance, and in time of fire turn the whole of said water into said cisterns.

Sec. 6. The privileges herein granted to the said Northern Natural Gas Company, its successors or assigns, relating to the temporary disposal of sewerage matter, are granted upon the express terms and conditions that, if at any time the Board of Health, Health Officer or proper authorities of the City of Stockton shall deem the exercising of said privilege a nuisance or prejudicial to the health of the city, or the inhabitants thereof, then and in that event said privileges shall cease and be of no force and effect, and all connections previously made for sewerage purposes, with the pipe or pipes through which the water flows from the well or wells of said Northern Natural Gas Company, its successors or assigns, and is emptied into the waterways of the city, heretofore described, shall be immediately disconnected therefrom and the sewerage matter disposed of in such manner as may be designated by the proper officials of the city.

Sec. 7. The rights and privileges herein vested in the said Northern Natural Gas Company, its successors or assigns, are granted upon the express terms and conditions that in no event will the City of Stockton, or any of its officers, agents or employes ever be held in any way responsible for any loss or damage whatever, either to person or property, that may arise at any time from the exercising of any of the rights and privileges granted by this Ordinance to the said Northern Natural Gas Company, its successors or assigns, it being expressly understood and agreed that the said Northern Natural Gas Company, its successors or assigns, shall assume all liability in connection therewith, upon the filing of the notice accepting this Ordinance by said Northern Natural Gas Company as herein provided.

Sec. 8. If the said Northern Natural Gas Company shall fail for ten days after the approval of this Ordinance by the Mayor to file with the City Clerk of the City of Stockton a copy of a resolution of its Board of Directors accepting the rights and privileges herein granted, upon the terms and conditions provided, duly signed by its President and Secretary, under the seal of said corporation, this Ordinance shall be of no force or effect to vest any of the said rights and privileges; nor unless the work herein provided for shall be commenced prior to the first day of January, 1890, and prosecuted to completion with reasonable diligence.

ORDINANCE No. 43.

(Being originally No. 323, approved April 16, 1891.)

Granting to the Citizens' Natural Gas Company (a Corporation) for the Period of Twenty-Five Years the Right and Franchise to Lay Down and Maintain in Any of the Public Streets, Alleys, Ways or Places of the City of Stockton, North of the South Line of Fremont Street and West of the East Line of Hunter Street, for the Purpose of Conveying Natural Gas and Supplying the Same to the Stockholders of Said Corporation and the Inhabitants of Said City.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Citizens' Natural Gas Company, a corporation existing under the laws of the State of California, and its successors and assigns, for the term of twenty-five years from the date of the approval of this Ordinance, the franchise and right to lay down and maintain mains and pipes for conveying natural gas in any of the public streets, alleys, ways or places of the City of Stockton north of the south line of Fremont street and west of the east line of Hunter street, for the purpose of supplying gas to the stockholders of said corporation, and supplying and furnishing the surplus, if any, of gas flowing from the well or wells of said corporation to the inhabitants of said city, and for lighting the streets and buildings of said city.

Sec. 2. The said pipes and mains shall be so laid down as not to interfere with or obstruct any cistern, sewer, gas or water pipe belonging to said city, or to any other person, firm or corporation now existing or laid down by authority of law.

Sec. 3. The said corporation, its successors and assigns, and its servants, agents and employes, shall have, and they are hereby given and granted, the right to dig up, break up, dig under and undermine any of the public streets, alleys, ways or places within the limits above specified, for the purpose of laying down or gaining access to their said mains and pipes. And whenever said corporation shall have broken up, dug up or disturbed, undermined or dug under any public street, alley, way or place, as authorized and permitted by this Ordinance, they shall, as soon as possible, complete the work for which said street, alley, way or place shall have been broken up, dug up, disturbed, dug under or undermined, and shall, without delay, put such street, alley, way or place in as good condition as it was before it was so broken up, dug up, disturbed, dug under or undermined, and remove all surplus rock, sand, clay, earth, dirt and rubbish, and shall do the same under the direction and supervision of the Board of Public Works of the City of Stockton or their successors in office and shall keep the same in good repair for one year thereafter.

Sec. 4. The laying down of all pipes shall be subject to the reasonable directions of the authorities of said city having charge of the streets thereof, as to time, place and manner of laying the same. Not more than two blocks at any one place shall be laid with pipe at any one time, and no block shall be torn up for more than ten working days.

Sec. 5. The privileges herein granted are granted upon the express condition that the municipal authorities of said city have the right at any time to grant similar privileges to others.

Sec 6. The rights and privileges herein granted to and vested in the said Citizens' Natural Gas Company, its successors or assigns,

are granted on the express terms and conditions that in no event will the City of Stockton, or any of its officers, agents or employes, ever be held in any way responsible for any loss or damages whatever, either to person or property, that may arise at any time from the exercise of any of the rights and privileges granted by this Ordinance to the said Citizens' Natural Gas Company, its successors or assigns, it being expressly understood and agreed that the said Citizens' Natural Gas Company, its successors or assigns, shall assume all liability in connection therewith, upon the filing of the notice accepting this Ordinance by said Citizens' Natural Gas Company, as herein provided.

Sec. 7. If the said Citizens' Natural Gas Company shall fail, for ten days after the approval of this Ordinance by the Mayor, to file with the City Clerk of the City of Stockton a copy of a resolution of its Board of Directors accepting the rights and privileges herein granted, upon the terms and conditions herein provided, and duly signed by its President and Secretary, under the seal of said corporation, this Ordinance shall be of no force or effect to vest any of the said rights and privileges, nor unless the work herein provided for shall be commenced prior to the first day of May, 1891, and prosecuted to completion with reasonable diligence.

ORDINANCE No. 63.

(Approved September 1, 1891.)

Granting to John Jackson and His Assigns the Right to Lay Down and Maintain Mains and Pipes for Conveying Natural Gas in Certain Public Streets, Alleys and Ways in the City of Stockton, for the Purpose of Supplying Gas Flowing From Jackson's Gas Well or Wells to the Residents Along Said Streets, Alleys and Ways, and for Lighting the Streets, Alleys and Ways and Buildings of Said City Within Certain Limits; and Also to Lay Down and Maintain Mains and Pipes for the Purpose of Conveying Water That May Flow From Said Gas Well or Wells.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to John Jackson, and to his assigns, for the term of twenty-five (25) years from the approval of this Ordinance, the right to lay down and maintain mains and pipes for conveying natural gas in any of the streets, alleys and ways south of Channel street, in the City of Stockton, for the purpose of supplying gas flowing from Jackson's gas well, or gas wells (so called), to the residents along said streets, alleys and ways, and for lighting the streets and buildings, alleys and ways of said city within said limits.

There is also hereby granted to said John Jackson, and to his assigns, for the term of twenty-five (25) years from the date of the approval of this Ordinance, the right to lay down and maintain pipes and mains in any of the public streets, alleys or ways of the City of Stockton, within the limits above described, for conveying the water that may flow from said well, or wells, and to discharge the same into the waterways of the city, west of Center street, with the privilege of connecting houses with said pipes for sewerage purposes, until such time as a system of sewerage has been provided by said city. The above all being subject to each and all of the conditions, limitations and restrictions hereinafter contained.

Sec. 2. The said pipes and mains shall be so laid down as not to interfere with or obstruct any cistern, sewer, gas or water pipe belong-

ing to said city, or to any other person, firm or corporation, and existing and laid down by authority of law.

Sec. 3. The said John Jackson, and his assigns, and servants, agents and employes, shall have and they are hereby given and granted, the right to dig up, break up, dig under and undermine any of the public streets, ways, places or alleys within said limits, for the purpose of laying down or gaining access to their said pipes or mains.

And said John Jackson, and his assigns, being permitted or authorized so to do as aforesaid, and shall have broken up, dug up or disturbed, undermined or dug under any public street, way, place or alley, shall, as soon as possible, complete the work for which said street, way, place or alley shall have been broken up, dug up, disturbed, dug under or undermined, and shall, without delay, put the street, way or place in as good condition as it was before it was so broken up, dug up, disturbed, dug under or undermined and remove all surplus rock, sand, clay, earth, dirt, manure and rubbish, and shall do the same under the direction and supervision of the Superintendent of Streets of the City of Stockton and the Board of Public Works of said City of Stockton or their successors in office, and shall keep the same in good repair for one year thereafter.

Sec. 4. The laying down of all pipes shall be subject to the reasonable direction of the authorities of said city having charge of the streets thereof, as to the time, place and manner of laying the same. Not more than two blocks at any one place shall be laid with pipes at any one time, and no block shall be torn up for more than ten working days.

Sec. 5. The privileges herein granted are granted upon the express condition that the municipal authorities of said city have the right at any time to grant similar privileges to others.

And also that the said authorities may, at the expense of the city, connect any fire cistern or fire plug or hydrant with the water pipes mentioned in this Ordinance, and in time of fire turn the whole of said water into said cisterns.

Sec. 6. The privileges herein granted to the said John Jackson, his successors and assigns, relating to the temporary disposal of sewerage matter, are granted upon the express terms and condition that if at any time the Board of Health and Health Officer or proper authorities of the City of Stockton shall deem the exercising of said privilege a nuisance or prejudicial to the health of the city, or the inhabitants thereof, then, and in that event, such privileges shall cease and be of no force and effect; and all connections previously made for sewerage purposes with the pipe or pipes through which the water flows from the well, or wells, of said John Jackson, his successors or assigns, and is emptied into the waterways of the city, hereinbefore described, shall be immediately disconnected therefrom and the sewerage matter disposed of in such manner as may be designated by the proper authorities of said city.

Sec. 7. The rights and privileges herein vested in the said John Jackson, and his assigns, are granted upon the express terms and conditions that in no event will the City of Stockton, or any of its officers, agents or employes, ever be held in any way responsible for any loss or damage whatever, either to person or property, that may arise at any time from the exercising of any of the rights and privileges granted by this Ordinance to the said John Jackson, and his assigns, it being expressly understood and agreed that the said John Jackson, and his

assigns, shall assume all liability in connection therewith, upon the filing of the notice accepting this Ordinance by the said John Jackson, or his assigns, as herein provided.

Sec. 8. If the said John Jackson, or his assigns, shall fail, for ten days after the approval of this Ordinance by the Mayor, to file with the City Clerk of the City of Stockton the written acceptance of the said John Jackson, or his assigns, accepting the rights and privileges herein granted, upon the terms and conditions herein provided, duly signed by the said John Jackson, or his assigns, this Ordinance shall be of no force or effect to vest any of the said rights and privileges; nor, unless the work herein provided for shall be commenced prior to the first day of January, 1892, and prosecuted to completion with reasonable diligence.

ORDINANCE No. 75.

(Approved October 29, 1891.)

Granting to the Central Natural Gas Company (a Corporation) the Right to Lay Down and Maintain Mains and Pipes for Conveying Natural Gas From the Well and Wells of Said Company Upon and Along Certain Streets and Avenues in the City of Stockton Within Certain Limits, for Sale and Use.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. There is hereby granted to the Central Natural Gas Company, and its assigns, for the term of twenty-five years from the approval of this Ordinance, the right to lay down and maintain mains and pipes for conveying natural gas upon and along the following portions of the following streets and avenues of said city, namely: Fremont street, from Sacramento street to El Dorado street; Lindsay street, from Sacramento street to Lindsay Point; Miner avenue, from Sacramento street to Lindsay Point; Channel street, from East street to the western point of the Peninsula; Weber avenue, from Sacramento street to Hunter street; El Dorado street, from Fremont street to Miner Channel; Hunter street, from Fremont street to Weber avenue; San Joaquin street, from Fremont street to Main street; Sutter street, from Fremont street to Main street; California street, from Fremont street to Market street; American street, from Fremont street to Market street; Stanislaus street, from Fremont street to Market street; Grant street from Fremont street to Market street; Aurora street, from Fremont street to Market street, and Market street, from San Joaquin street to Sacramento street.

Sec. 2. The said pipes and mains shall be so laid down as not to interfere with or obstruct any cistern, sewer, gas or water pipe belonging to said city, or to any other person, firm or corporation, and existing and laid down by authority of law.

Sec. 3. The said Central Natural Gas Company, and its assigns and servants, agents and employes, shall have, and they are hereby given and granted, the right to dig up, break up, dig under and undermine any of the public streets, ways, places or alleys within said limits for the purpose of laying down or gaining access to their said pipes or mains.

The said Central Natural Gas Company, and its assigns, being permitted or authorized so to do, as aforesaid, and shall have broken up, dug up or disturbed, undermined or dug under any public street, way, place or alley, shall as soon as possible complete the work for which said street, way, place or alley shall have been broken up, dug

up, disturbed, dug under or undermined, and shall, without delay, put the street, way or place in as good condition as it was before it was so broken up, dug up, disturbed, dug under or undermined, and remove all surplus rock, sand, clay, earth, dirt, manure and rubbish, and shall do the same under the direction and supervision of the Superintendent of Streets of the City of Stockton and the Board of Public Works of said City of Stockton or their successors in office, and shall keep the same in good repair for one year thereafter.

Sec. 4. The laying down of all pipes shall be subject to the reasonable direction of the authorities of said city having charge of the streets thereof as to the time, place and manner of laying the same. Not more than two blocks at any one place shall be laid with pipes at any one time. and no block shall be torn up for more than ten working days.

Sec. 5. The privileges herein granted are granted upon the express condition that the municipal authorities of said city have the right at any time to grant similar privileges to others.

Sec. 6. The rights and privileges herein vested in the said Central Natural Gas Company, and its assigns, are granted upon the express terms and conditions that in no event will the City of Stockton, or any of its officers, agents or employes, ever be held in any way responsible for any loss or damage whatever, either to person or property, that may arise at any time from the exercising of any of the rights and privileges granted by this Ordinance to the said Central Natural Gas Company, and its assigns, it being expressly understood and agreed that the said Central Natural Gas Company, and its assigns, shall assume all liability in connection therewith upon the filing of the notice accepting this Ordinance by the said Central Natural Gas Company, or its assigns, as herein provided.

Sec. 7. If the said Central Natural Gas Company, or its assigns, shall fail, for ten days after the approval of this Ordinance by the Mayor, to file with the City Clerk of the City of Stockton the written acceptance of the said Central Natural Gas Company, or its assigns, accepting the rights and privileges herein granted upon the terms and conditions herein provided, duly signed by the said Central Natural Gas Company, or its assigns, this Ordinance shall be of no force or effect to vest any of the said rights and privileges; nor unless the work herein provided for shall be commenced prior to the first day of January, 1892, and prosecuted to completion with reasonable diligence.

ORDINANCE No. 73.

(Approved October 9, 1891.)

An Ordinance Granting to the Western Union Telegraph Company the Right to Place and Maintain Its Poles and Lines in the Streets, Alleys and Public Ways of the City of Stockton, State of California, on the Terms and Conditions Herein Stated.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That the Western Union Telegraph Company, its successors and assigns, are authorized to erect and maintain on the streets, alleys and public ways of said city the poles and fixtures and wires necessary for the purpose of supplying the citizens of said city and the public communication by telegraph or other improved electrical device, such use to be and continue upon the terms and conditions hereinafter stated.

Sec. 2. The location of the poles and lines now in use whereby approved; and the location of all poles and lines hereafter to be erected, and any change in the location of the poles and lines now in use, or extensions thereof, shall be under the direction and control of the City Council of said city.

Sec. 3. Said poles and wires shall be placed and maintained so as not to interfere with travel on said highways, and said company shall hold said city free and harmless from all damages arising by reason of any such occupancy. This grant is made and is to be enjoyed, subject to such regulations and Ordinances as said City Council of said city is authorized and deems proper at any time to adopt, and shall be subject to the right of said City Council, at any time when so advised, to cause the said wires to be placed under ground, or in other safe or proper conduit.

Sec. 4. The right of use herein given shall not be exclusive, and the City Council of said city reserves the power to grant a like right of way to any other telegraph company, the same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted.

Sec. 5. In consideration whereof said Western Union Telegraph Company shall, and by the acceptance of this Ordinance does, agree to allow the City Council of said city to attach at any time to the top cross-arm of any of said poles the city fire alarm and police wires, and said poles are hereby made a municipal instrumentality for that purpose; provided, however, said attachment shall be so made as not to interfere with said company's use, and said attachment shall be made and maintained under the direction of said company's manager in said City of Stockton. The said company shall and will furnish for the said city the use of its poles for the attachment thereto of its fire alarm boxes without charge to said city.

Sec. 6. That whenever said company ceases to operate a telegraph line in said City of Stockton, and ceases to use the said poles and lines herein provided for, in the operation of its line of telegraph, then said company shall remove said lines and poles from the streets and alleys of said city, within sixty days from the date that said company so ceases to use and operate said lines.

Sec. 7. This Ordinance shall be of no effect to vest the rights and privileges herein granted, unless said Western Union Telegraph Company shall, within thirty days after the passage hereof, file, in the office of the City Clerk of the City of Stockton, an unconditional acceptance of said Ordinance.

Sec. 8. The Ordinance shall take effect from and after its passage and approval, and shall continue in force for the term of twenty-five year thereafter.

ORDINANCE No. 84.

(Passed over veto March 29, 1892.)

An Ordinance Granting to the Sunset Telephone and Telegraph Company and Assigns the Right to Place, Erect and Maintain Its Poles, Wires and Other Conductors for the Transmission of Electricity for Telephone and Telegraph Purposes in and Upon the Streets, Alleys, Avenues and Public Ways of the City of Stockton, State of California, on the Terms and Conditions Herein Stated.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That the Sunset Telephone and Telegraph Company and its assigns are hereby authorized to place, erect, maintain, lay

and operate in and upon the streets, alleys, avenues and public ways of said City of Stockton, poles, wires and other conductors for the transmission of electricity for telephone and telegraph purposes, but not for electric lights or motors; such wires or conductors may be strung upon poles or other fixtures above ground, provided they are strung or hung sufficiently high as to not interfere with trade, traffic or travel, and also provided that said company may, on business and populous thoroughfares and where the induction from other wires interferes with the efficient working of the instruments, lay wires and conductors under ground in safe pipes or conduits, and such other apparatus may be used as may be necessary or proper to maintain or operate the same; provided that all of the same shall be placed at such a depth and position and in such condition as to not interfere with the free use of said, or any of said, highways, streets, alleys, avenues or public highways, such use to be and continue upon the terms and conditions hereinafter stated.

Sec. 2. Said poles and wires shall be placed and maintained so as not to interfere with the trade on said highways, streets, alleys, avenues or public ways; and said company shall hold said city free and harmless from all damages arising by reason of such occupancy. Said poles shall be planed and kept well and neatly painted. This grant is made to be enjoyed subject to such regulations, resolutions and ordinances as the City Council of said city, or its successors, is authorized and deems proper at any time to adopt, and shall be subject to the right of said City Council, or its successors, at any time when so advised to cause the said wires to be placed under ground or in any other safe or proper conduit.

Sec. 3. The right of use herein given shall not be exclusive, and the City Council of said city reserves the power to grant a like right of way to any other telephone or telegraph company. The same, however, not to interfere with the reasonable and proper exercise of the privileges herein granted.

Sec. 4. In consideration whereof said Sunset Telephone and Telegraph Company, its successors and assigns, shall, and by the acceptance of this Ordinance does agree to allow the City Council of said city to attach to or suspend upon or from the poles placed by said company, or its assigns, in the streets, alleys, avenues and highways aforesaid, any and all wires which said city may require for the fire alarm or police telegraph service without charge or cost to said city therefor.

Sec. 5. That whenever said company ceases to operate a telephone line in said City of Stockton and ceases to use the said poles and lines herein provided for in the operation of its lines of telephone, then said company shall remove the said line and poles from the streets and alleys of said city within sixty days from the date that the said company shall cease to use and operate said lines.

Sec. 6. It shall be lawful for said company, or assigns, to make all needful and convenient excavations in any of the said streets, alleys, avenues and thoroughfares in said City of Stockton for the purposes of erecting and maintaining poles or other supports for said wires, or for the purpose of laying down, maintaining and operating wires or other conductors under ground for the purposes aforesaid. Whenever said company, or its successors or assigns, shall disturb any of said streets, alleys, avenues or public ways for the purposes aforesaid, it, or they, shall repair the same and put the same in as good order and condition as the same was before so disturbed as soon as possible and without unnecessary delay, and failing so to do the

said City Council, or its successors, or any authorized officer of the said City of Stockton, shall have the right to immediately have the same repaired and placed in good order and condition at the cost and expense of said company, its successors or assigns.

Sec. 7. Nothing in this Ordinance shall be construed so as to in any wise prevent the proper authorities of said City of Stockton from sewering, grading, paving, planking, repairing or altering any of the streets, alleys, avenues, thoroughfares or public ways of said city.

Sec. 8. And said privileges and franchises herein granted shall continue and be in force for the period of twenty-five years from the date of the passage of this Ordinance.

Sec. 9. This Ordinance shall be of no effect to vest the rights and privileges herein granted unless the said Sunset Telephone and Telegraph Company shall, within thirty days after the passage hereof, file in the office of the City Clerk of the City of Stockton an unconditional acceptance of said Ordinance.

Sec. 10. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 55.

(Being originally No. 311, approved November 25, 1890.)

Granting to W. S. McMurtry, Jr., and His Assigns, the Right to Lay, Maintain and Operate Water Pipes in the Streets, Highways, Alleys and Other Public Places of the City of Stockton, and to Sell Water to the Inhabitants Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City of Stockton hereby grants to W. S. McMurtry, Jr., and to his assigns, the right and privilege of laying, maintaining and operating water pipes in the streets, highways, alleys and other public places of the City of Stockton, for the purpose of supplying water to the inhabitants of said city and for a term of twenty-five years.

Sec. 2. The aforesaid grant or franchise is made subject to all the conditions, reservations or limitations contained in the Constitution and laws of the State of California or in the Charter of the City of Stockton, and upon condition:

First—That the laying, maintenance, repair and operation of the said water pipes shall be under the reasonable direction and control of the authorities of said city, in accordance with the said Charter and with the Ordinances, orders or resolutions of the said city which may be lawfully passed from time to time.

Second—That such laying, maintenance, repair and operation of said pipes shall be had and done without damage or injury to the paving, planking, macadamizing or other improvements, or unnecessary interference to the constant public use of said street or other places wherein said pipes shall be laid, maintained or operated, or to public or private property adjacent or thereon.

Sec. 3. This grant or franchise is upon condition that the work of laying, maintaining or operating the said water pipes shall be begun in good faith on or before January 1, 1891, and that water be supplied to consumers within one year from the passage of this Ordinance, otherwise this grant or franchise to be null and void.

Sec. 4. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 352.

(Approved November 10, 1903.) O. B. 6—346.

An Ordinance Granting to the American River Electric Company, Its Successors and Assigns. the Right, Privilege, Permission and Franchise to Construct, Erect, Maintain and Operate for the Period of Twenty-Five Years, Along, Across and Over the Streets, Avenues, Alleys, Lanes, Places, Courts and Thoroughfares of the City of Stockton, Poles, Masts and Other Appliances, and to Lay Down, Maintain and Operate Along and Under the Said Streets, Avenues, Alleys, Lanes, Places, Courts and Thoroughfares, Wires and Other Conductors of Electrical Current, Underground, for the Transmission of Electric Current, for the Purpose of Furnishing Electric Light and Lighting to the City of Stockton, State of California, and to the Inhabitarts Thereof.

Whereas, All notices required by law have been duly given, and all matters, acts and things precedent to the granting of the franchise and privilege hereinafter set forth, have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission and franchise is hereby granted unto the American River Electric Company, a corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use, for the term of twenty-five years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places, courts and thoroughfares of the City of Stockton, County of San Joaquin, State of California; and to that end the said American River Electric Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission and franchise, along, across and over the streets, avenues, alleys, lanes, places, courts and thoroughfares of the said City of Stockton, to construct, erect, maintain and operate such poles, masts and other superstructures as it may deem necessary, and to suspend therefrom wires and other appliances to conduct and transmit electrical current for the purpose of furnishing electric light and lighting to the said City of Stockton, and to the inhabitants thereof; and to lay down, maintain and operate along and under the said streets, avenues, alleys, lanes, places, courts and thoroughfares wires and other conductors of electrical current, underground, in such conduits, with manholes, as may be proper for the purpose of constructing, erecting and operating a general electric lighting system.

Sec. 2. Said wires, or other conductors of electric current, shall be strung or hung sufficiently high, and the poles shall be placed and maintained so as not to interfere with trade, traffic or travel on said streets, avenues, alleys, lanes, places, courts and thoroughfares, and all wires and other conductors placed underground shall be in safe pipes or conduits at such depth and position as not to interfere with the free use of any of said streets, avenues, alleys, lanes, places, courts and thoroughfares; and said company, and its successors and assigns, shall hold said city free and harmless from all damages arising by reason of said occupancy.

Sec. 3. The erection, construction and placing of all poles, masts

and other superstructures, and the laying down of all pipes or conduits for wires or other conductors, shall be subject to the reasonable direction of the Superintendent of Streets of the said city, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages. Said pipes and conduits shall be so laid down as not to interfere with or obstruct any cistern, sewer or water pipe belonging to said city, or to any other person, firm or corporation, now existing or laid down by authority of law.

Sec. 4. All poles or masts shall be planed or peeled and kept well painted.

Sec. 5. Whenever said company, its successors in interest or assigns, cease to operate said electric system in said City of Stockton, and cease to use the said poles and lines, herein provided for, in the operation of its said system, then said company shall remove said poles and lines from the streets, avenues, alleys, lanes, places, courts and thoroughfares of said city within sixty days from the date that said company shall cease to use and operate the said system.

Sec. 6. It shall be lawful for said company, its successors in interest or assigns, to make all needful and convenient excavations in any of said streets, avenues, alleys, lanes, places, courts and thoroughfares in said City of Stockton, for the purpose of erecting and maintaining poles or other supports for said wires, or for the purpose of laying down, maintaining and operating wires or other conductors, underground, for the purpose aforesaid. Whenever said company, its successors in interest or assigns, shall disturb any of the said streets, avenues, alleys, lanes, places, courts and thoroughfares for the purpose aforesaid, it shall repair same and put the same in as good order and condition as the same were before being so disturbed, and without unnecessary delay.

Sec.. 7. Nothing in this Ordinance shall be construed so as to in anywise prevent the property-owners of said City of Stockton from sewering, grading, paving, planking or repairing any of the streets, avenues, alleys, lanes, places, courts and thoroughfares of said city.

Sec. 8. This Ordinance shall be of no effect to vest the rights and privileges herein granted unless the said company shall, within thirty days after the passage hereof, file in the office of the City Clerk of the City of Stockton an unconditional acceptance thereof.

Sec. 9. This Ordinance shall take effect and be in force from and after its final passage.

ORDINANCE No. 358.

(Approved December 15, 1903.) O. B. 6—374.

An Ordinance Granting to the American River Electric Company, Its Successors and Assigns, the Right, Privilege, Permission and Franchise to Construct, Erect, Maintain and Operate for the Period of Twenty-Five Years, Along, Across and Over the Streets, Avenues, Alleys, Lanes, Places, Courts and Thoroughfares of the City of Stockton, Poles, Masts and Other Appliances, and to Lay Down, Maintain and Operate Along and Under the Said Streets, Avenues, Alleys, Lanes, Places, Courts and Thoroughfares, Wires and Other Conductors of Electrical Current, Underground, for the Transmission of Electrical Current for the Purpose of Furnishing Electric Heat and Power to the City of Stockton, State of California, and to the Inhabitants Thereof.

Whereas, All notices required by law have been duly given, and all matters, acts and things precedent to the granting of the franchise and

privilege hereinafter set forth, have heretofore been had and performed in due form of law; and,

Whereas, Due compliance has been had with all matters required by the Charter of the City of Stockton;

Now, therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. The right, privilege, permission and franchise is hereby granted unto the American River Electric Company, a corporation organized and existing under and by virtue of the laws of the State of California, and to its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, to use, for the term of twenty-five years from the date of the passage of this Ordinance, the streets, avenues, alleys, lanes, places, courts and thoroughfares of the City of Stockton, County of San Joaquin, State of California; and to that end the said American River Electric Company, its successors in interest and assigns, in so far as it lies within the power of the City of Stockton to grant the same, is hereby granted the right, privilege, permission and franchise, along, across and over the streets, avenues, alleys, lanes, places, courts and thoroughfares of the said City of Stockton, to construct, erect, maintain and operate such poles, masts and other superstructures as it may deem necessary, and to suspend therefrom wires and other appliances to conduct and transmit electrical current for the purpose of furnishing electric heat and power to the said City of Stockton, and to the inhabitants thereof; and to lay down, maintain and operate along and under the said streets, avenues, alleys, lanes, places, courts and thoroughfares wires and other conductors of electrical current, underground, in such conduits, with manholes, as may be proper for the purpose of constructing, erecting and operating a general electric heat and power system.

Sec. 2. Said wires, or other conductors of electric current, shall be strung or hung sufficiently high and the poles shall be placed and maintained so as not to interfere with trade, traffic or travel on said streets, avenues, alleys, lanes, places, courts and thoroughfares, and all wires and other conductors placed underground shall be in safe pipes or conduits at such depth and position as not to interfere with the free use of any of said streets, avenues, alleys, lanes, places, courts and thoroughfares; and said company, and its successors and assigns, shall hold said city free and harmless from all damages arising by reason of said occupancy.

Sec. 3. The erection, construction and placing of all poles, masts and other superstructures, and the laying down of all pipes or conduits for wires or other conductors, shall be subject to the reasonable direction of the Superintendent of Streets of the said city, or other officer in control thereof, and under such general regulations as the municipality may prescribe for damages and indemnity for damages. Said pipes and conduits shall be so laid down as not to interfere with or obstruct any cistern, sewer or water pipe belonging to said city or to any other person, firm or corporation, now existing or laid down by authority of law.

Sec. 4. All poles or masts shall be planed or peeled and kept well painted.

Sec. 5. Whenever said company, its successors in interest, or assigns, cease to operate said electric heat and power system in said City of Stockton and cease to use the said poles and lines, herein

provided for, in the operation of its said system, then said company shall remove said poles and lines from the streets, avenues, alleys, lanes, places, courts and thoroughfares of said city within sixty days from the date that said company shall cease to use and operate the said system. . .

Sec. 6. It shall be lawful for said company, its successors in interest or assigns, to make all needful and convenient excavations in any of said streets, avenues, alleys, lanes, places, courts and thoroughfares in said City of Stockton for the purpose of erecting and maintaining poles or other supports for said wires, or for the purpose of laying down, maintaining and operating wires or other conductors, underground, for the purpose aforesaid. Whenever said company, its successors or assigns, shall disturb any of the said streets, avenues, alleys, lanes, places, courts and thoroughfares, for the purpose aforesaid, it shall repair same and put the same in as good order and condition as the same were before being so disturbed, and without unnecessary delay.

Sec. 7. Said grantee, or its successors and assigns, shall, during the life of said franchise, pay to the said City of Stockton 2 per cent of the gross annual receipts of said grantee, its successors or assigns, arising from the use, operation and possession of said franchise. No such or any percentage shall be paid for or during the first five years next succeeding the date of the said franchise, but thereafter such percentage shall be payable annually.

Sec. 8. Nothing in this Ordinance shall be construed so as to in anywise prevent the property-owners of said City of Stockton from sewering, grading, paving. planking or repairing any of the streets, avenues, alleys, lanes, places, courts and thoroughfares of said city.

Sec. 9. This Ordinance shall be of no effect to vest the rights and privileges herein granted unless the said company shall, within thirty days after the passage hereof, file in the office of the City Clerk of the City of Stockton an unconditional acceptance thereof.

Sec. 10. This Ordinance shall take effect and be in force from and after its final passage.

ORDINANCE No. 449.

(Approved October 8, 1907.) O. B. 7—163.

Granting to the Atchison, Topeka and Santa Fe Railway Company a franchise for a spur track on Taylor street, crossing California street, running into Yolland & Co.'s warehouse.

FREE PUBLIC LIBRARY.

An Act to Provide for the Establishment and Maintenance of Public Libraries Within Municipalities.

(Stats. 1901, 557, ch. CLXX; amended 1905, 296, ch. CCXCII.)

Section 1. The Common Council, Board of Trustees, or other legislative body of any incorporated city or town in the State of California, may, and upon being requested to do so by one-fourth of the electors of such municipal corporation in the manner hereinafter provided, must, by ordinance, establish in and for said municipality a public library; provided, there be none already established therein.

Sec. 2. The request referred to in the preceding section may be by a single petition, or by several petitions; provided, that such several petitions be substantially in the same form, and that such single petition has, or such several petitions in the aggregate have, the signatures of the requisite number of electors.

Sec. 3. Such public library shall be managed by a Board designated as the Board of Library Trustees, consisting of five members, to be appointed by the Mayor, President of the Board of Trustees or other executive head of the municipality, by and with the consent of the legislative body of said municipality. Such Trustees shall severally hold office for three years, serving without compensation; provided, that the members of the first Board appointed shall so classify themselves by lot that one of their number shall go out of office at the end of the current fiscal year, two at the end of one year thereafter, and the other two at the end of two years thereafter. Men and women shall be equally eligible to such appointment, and vacancies shall be filled by appointment for the unexpired term in the same manner.

Sec. 4. Boards of Library Trustees shall meet at least once a month at such times and places as they may fix by resolution. Special meetings may be called at any time by three Trustees, by written notice served upon each member at least three hours before the time specified for the proposed meeting. A majority of the Board shall constitute a quorum for the transaction of business. Such Boards shall appoint one of their number President, who shall serve for one year and until his successor is appointed, and in his absence shall select a President pro tempore. Such Boards shall cause a proper record of their proceedings to be kept and at the first meeting of the Board of Trustees of any library formed under the provisions of this Act, it must immediately upon organization cause to be made out and filed with the State Librarian at Sacramento, a certificate showing that such library has been established, with the date thereof, the names of the Trustees and of the officers of the Board chosen for the first year. [Amendment, Stats. 1905, 296.]

Sec. 5. Boards of Library Trustees shall have power:

First—To make and enforce all rules, regulations and by-laws necessary for the administration, government and protection of the libraries under their management, and all property belonging thereto.

Second—To administer any trust declared or created for such libraries, and receive by gift, devise, or bequest and hold in trust or

otherwise, property situated in this State or elsewhere, and where not otherwise provided, dispose of the same for the benefit of such libraries.

Third—To prescribe the duties and powers of the Librarian, Secretary and other officers and employes of any such libraries; to determine the number of and appoint all such officers and employes, and fix their compensation, which said officers and employes shall hold their offices or positions at the pleasure of said Boards.

Fourth—To purchase necessary books, journals, publications and other personal property.

Fifth—To purchase such real property, and erect or rent and equip, such building or buildings, room or rooms, as may be necessary, when in their judgment a suitable building, or portion thereof, has not been provided by the legislative body of the municipality for such libraries.

Sixth—To require the Secretary of State and other State officials to furnish such libraries with copies of any and all reports, laws and other publications of the State not otherwise disposed of by law.

Seventh—To borrow books from, lend books to and exchange the same with other libraries, and to allow non-residents to borrow books upon such conditions as they may prescribe.

Eighth—To do and perform any and all other acts and things necessary or proper to carry out the provisions of this Act.

Sec. 6. Boards of Library Trustees shall, on or before the last day of July in each year, make a report to the legislative body of their municipality, giving the condition of the library on the thirtieth day of June preceding, together with a statement of their proceedings for the year then ended, and must immediately upon the publication of such report, forward a copy thereof for filing to the State Library at Sacramento. [Amendment, Stats. 1905, 296.]

Sec. 7. The legislative body of any municipality in which a public library has been established in accordance with this Act, shall in making the annual tax levy and as part thereof, if the maintenance of the library has not been otherwise provided for, levy a tax for the purpose of maintaining such library and purchasing property necessary therefor, which tax shall be in addition to other taxes, the levy of which is permitted in the municipality; provided, that after two years from the passage of this Act as to existing libraries and after two years from the establishment of new libraries thereunder, where a maintenance corresponding thereto has not been otherwise provided, in municipalities of the first, second and third classes, such tax levy shall not exceed one mill on the dollar of assessed valuation, and in municipalities of the fourth, fifth and sixth classes such levy shall not exceed two mills on the dollar of assessed valuation.

Sec. 8. The revenue derived from said tax, together with all money acquired by gift, devise, bequest, or otherwise, for the purposes of the library, shall be apportioned to a fund to be designated the library fund, and be applied to the purposes herein authorized. If such payment into the treasury should be inconsistent with the conditions or terms of any such gift, devise [or] bequest, the Board shall provide for the safety and preservation of the same, and the application thereof to the use of the library, in accordance with the terms and conditions of such gift, devise or bequest. Payments from said fund shall be made in the manner provided for the payment of other demands against the municipality; provided, that demands upon said

fund shall be presented to the Board of Library Trustees for allowance rather than to the legislative or other body of the municipality.

Sec. 9. Every library established under this Act shall be forever free to the inhabitants and non-resident taxpayers of the municipality, subject always to such rules, regulations and by-laws as may be made by Boards of Library Trustees; and provided, that for violations of the same a person may be fined or excluded from the privileges of the library.

Sec. 10. Boards of Library Trustees and the legislative bodies of neighboring municipalities or Boards of Supervisors of the counties in which public libraries are situated, may contract for lending the books of such libraries to residents of such counties or neighboring municipalities, upon a reasonable compensation to be paid by such counties or neighboring municipalities.

Sec. 11. The title to all property acquired for the purposes of such libraries, when not inconsistent with the terms of its acquisition, or otherwise designated, shall vest in the municipalities in which such libraries are, or are to be, situated, and in the name of the municipal corporations may be sued for and defended by action at law or otherwise.

Sec. 12. An Act entitled "An Act to establish free public libraries and reading-rooms," approved April 26, 1880, is hereby repealed; provided, that, as to existing libraries this Act is to be deemed a continuation thereof, and such libraries shall be governed hereby accordingly; provided, however, that this Act shall have no application to any library established or governed by the provisions of a City Charter, and the provisions of any City Charter shall in no manner be affected by this Act.

Sec. 13. Any Ordinance establishing a library adopted under the provisions of Section 1 of this Act may be repealed by the body which adopted the same upon being requested to do so by one-fourth of the electors of such municipal corporation, in the manner provided in Section 2 of this Act, and upon the repeal of such Ordinance such library shall be disestablished in such municipal corporation.

Sec. 14. This Act shall take effect immediately.

ORDINANCE No. 96.

(Approved October 25, 1892.)

Accepting the Trust Confided to the City of Stockton by the Last Will of W. P. Hazelton (Deceased), Providing for the Execution of Such Trust, and Setting Apart and Dedicating Certain Property for the Erection of the Library Building to Be Erected Under the Provisions of Said Will.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The trust confided to the City of Stockton by the last will of W. P. Hazelton (deceased) be and the same is hereby accepted by said city.

Sec. 2. The sum of $76,000 bequeathed under said will and paid to said city, and which is now in the hands of the City Treasurer, be and the same is hereby distributed as follows, to-wit:

The sum of $3,500 thereof (which sum was incurred by said city as costs in procuring the said sum bequeathed) be and the same is hereby ordered and directed to be refunded to said city, and the same shall

belong to and be paid into the Library Fund of said city; the sum of $15,000 shall belong to and be known and designated as the "Hazelton Library Fund;" the sum of $56,500 shall belong to and be known and designated as the "Hazelton Library Building Fund," and the sum of $1,000 shall belong to and be known and designated as the "Hazelton School Medal Fund," and the said moneys distributed to the said "Hazelton Library Fund," the said "Hazelton Library Building Fund," and the said "Hazelton School Medal Fund" shall be kept in the City Treasury separate and apart from other funds, and be drawn upon and against as hereinafter provided, but only to be used and applied to the purposes by this Ordinance authorized.

Sec. 3. The five Trustees of the Free Public Library of the City of Stockton, which said Free Public Library was established in said city under and in pursuance of an Act of the Legislature of this State, entitled "An Act to establish Free Public Libraries and Reading Rooms," approved April 26, 1880, are hereby entrusted with and to them is hereby confided the execution of the trust, so far as the same relates to the bequest of said W. P. Hazelton for books for the library and the construction of the library building, subject, however, to the provisions, restrictions and limitations herein contained.

And, for the purpose of carrying out the said trust under said will, as to the purchase of books for the library and construction of the library building, said Trustees shall be styled the "Executive Board of the Hazelton Library Bequest;" and so long as there shall or may be any money in the said "Hazelton Library Fund" and the said "Hazelton Library Building Fund," or either, said Executive Board shall perform the duties and exercise the powers and authorities which are by this or future Ordinances or resolutions imposed and conferred upon them. The present Trustees of said Free Public Library shall hold their office as the Executive Board of the "Hazelton Library Bequest," until the first Monday in June, 1893, and until their successors shall have been duly elected and qualified. and on said last named date and thereafter annually, on the first Monday in June of each year, the City Council of the City of Stockton shall elect the then existing and duly qualified Trustees of said Free Public Library as the "Executive Board of the Hazelton Library Bequest;" such Executive Board shall hold office for one year and until their successors shall have been duly elected and qualified as such.

Sec. 4. The office of the Executive Board of the Hazelton Bequest shall be honorary, without salary or other compensation; and whenever any member of the said Executive Board shall cease to be a Trustee of said Free Public Library, he shall cease to be a member of said Executive Board. And should a vacancy in the office of such Executive Board occur, the City Council shall elect to such vacancy the person who shall have been elected or appointed to fill such vacancy under the said "Act to establish Free Public Libraries and Reading Rooms."

Sec. 5. The present Trustees of said Free Public Library and their successors as such shall, before they enter upon their duties as such Executive Board of the Hazelton Library Bequest, take and subscribe the following oath or affirmation: "I do solemnly swear (or affirm, as the case may be) that I will support the Constitution of the United States and the Constitution of the State of California, and that I will faithfully discharge the duties of the office of the Executive Board of Trustees of the Hazelton Library Bequest, according to the best of my ability." And thereupon said oath or affirmation shall be filed with the City Clerk.

Sec. 6. For the purpose of carrying out the intention of the said testator, W. P. Hazelton (deceased), as provided by item 4 of his will, there shall be erected and constructed, to be paid for out of said "Hazelton Library Building Fund," a building to be used for the Public Library and Reading Room mentioned in the said will.

Said building to be so arranged that its use shall be for library and reading purposes only.

It shall be erected and constructed on the northeast corner of Market and Hunter streets, in the City of Stockton, on lots 2 and 4, block 12, east; and if said Executive Board shall deem it advisable to make changes and alterations in the present library building to such an extent as will blend and incorporate the same into and with said new building to be erected under this Ordinance, full power and authority is hereby given to the said Executive Board and the Trustees of the Stockton Free Public Library so to do. But full recognition shall be given to the memory of Frank Stewart (deceased).

And to more fully carry out the provisions of this Ordinance there is hereby set apart and dedicated for the use of the said library building to be erected and constructed under this Ordinance all that part of lots 2 and 4, block 12, east (forming the corner of said Hunter and Market streets), which has a frontage of 80 feet on Market street and a frontage of 50¾ feet on Hunter street.

Sec. 7. The said Executive Board is hereby authorized and empowered as follows, to-wit:

First—To have plans and specifications for the said proposed Library Building prepared, the same to be in accord with the provisions mentioned in the foregoing Section 6 and their best judgment in the premises, and to adopt the same, subject, however, to the approval of the City Council and said Executive Board sitting in joint council; and upon the adoption and approval of the said plans and specifications in manner aforesaid to have said Library Building erected and constructed, and the present Library Building changed and altered in accordance with such plans and specifications, so as to fully carry out the provisions of this Ordinance.

And in causing the erection and construction of said building and the change and alteration of the present Library Building, the said Executive Board is hereby directed to let the contract for such erection, construction, change and alteration in accordance with the plans and specifications as approved as aforesaid to the lowest responsible bidder; and, upon the acceptance of the bid, to enter into a contract therefor with the contractor, on behalf of the City of Stockton, by them to such Executive Board; to have such conditions and such penalties inserted in such contract as they may determine upon and deem proper, and have the said contract accompanied by a good and sufficient bond, to be signed by two sureties, in order to insure a faithful and prompt performance of said contract.

And should said Executive Board thereafter conclude to make any changes or alterations in the said plans and specifications as to certain parts thereof, and any changes or alterations in the said buildings, power and authority is hereby given to them in the said matters: But no changes of any kind shall be made which affect the elevation and outward appearance of said new Library Building without a previous consent thereto from the City Council.

The said Executive Baord shall assume the general management and supervision of the erection of said building till its completion, and

they are hereby charged with the duties and responsibility of seeing that the said building is being erected in full compliance with said contract.

Second—To make purchases of such books and publications for said Library, from time to time, as said Executive Board may deem advisable; and to purchase such fixtures and furniture for and equip said Library Building in such manner as they may deem necessary and suitable. It is, however, expressly provided that in the procuring of said plans and specifications and the erection and construction of said new Library Building and the making changes and alterations in the present Library Building, and the purchasing such fixtures and furniture and equipping such Library Building (save and except for such books and literature), said Executive Board shall not incur a greater expenditure than the sum of $56,500.

Third—To order the drawing and payment, upon properly authenticated vouchers, duly certified by said Executive Board or a majority of the members of said Executive Board, of money from out of the said "Hazelton Library Fund" and said "Hazelton Library Building Fund" for any liability or expenditure in the construction of said new Library Building and the changes and alterations in the present Library Building, in the purchase of fixtures and furniture and the equipment of said building, said books and publications and other matters herein authorized, and generally to do all that which may be necessary to fully carry into effect the provisions of this Ordinance; and all orders and demands of said Executive Board, or a majority of the members comprising said Executive Board, when duly made and authenticated as above provided, shall be verified and audited by the Board of Audit of this city, in the manner provided by Section 41 of the City Charter, and thereafter paid by the Treasurer of this city in this manner, namely: All claims and demands for books, publications and other matters of literature out of said "Hazelton Library Fund;" and all claims and demands connected with the costs and expenditures incurred in any of said changes and alterations, and for the erection and construction of said Library Building, for procuring said plans and specifications, and for the fixtures, furniture and equipment of said building, out of said "Hazelton Library Building Fund." And the said Executive Board and said Board of Audit and said Treasurer shall keep full entry and record of all the said claims and demands allowed and paid.

Fourth—The said Executive Board, in the performance of their duties herein imposed and in the exercise of the powers and authorities herein conferred, shall perform such duties and exercise such powers and authorities in the same mode and manner as is required of Trustees of the Free Public Library, under the said Act establishing Free Public Libraries and Reading Rooms.

Sec. 8. The sum of $1,000 herein provided as distributed to the "Hazelton School Medal Fund" shall be managed and controlled by the Board of Education of this city, with power to draw the same from the City Treasurer and invest and hold the same as a fund in perpetuity, and use the income of same for providing silver prize medals and award the same annually to the most deserving of the scholars attending the public schools of this city.

The first prize awarded in each school shall be for general good behavior, and the medals shall be stamped with appropriate devices

designating the "Hazelton School Medal." The first award shall be made at or near the close of the school year in the year 1894, and thereafter at the same time during each and every year thereafter following. The said Board shall annually render to the City Council a full report of their action in the premises, the manner in which said fund is invested, the income derived from said fund, the medals and the number of the same obtained in and by such income, and the names of the scholars to whom and the time when such medals were distributed for and in the year next preceding such report. And it is hereby made the duty of said Board of Education to carry out the full intention of the testator, W. P. Hazelton (deceased), as expressed in and by item 5 of his will.

THE HAZELTON BEQUEST.

"Item 4. Remembering with dutiful regard the community where success first rewarded my efforts in the accumulation of wealth, and wishing to bestow some proper memento of the esteem with which I have ever regarded those who were so long my respected neighbors and friends, I give and bequeath to the City of Stockton, State of California, the sum of seventy-five thousand ($75,000) dollars in trust, to be used and appropriated as follows:

"First—The sum of ———— not to exceed one-half of the amount of this bequest to be used in the purchase of books for a public library.

"Second—The sum of ———— or remainder of this bequest after providing for the purchase of said books to be used in the construction of a suitable building, to be centrally located in said City of Stockton, for a public library and reading room, which shall be forever free to all orderly persons residing in said city; subject, however, to such proper regulations as may from time to time be established by a Board of Managers of said library, said Board of Managers to consist of five persons residents of said City of Stockton, to be duly chosen by the Mayor and Board of Aldermen of said city, one or more of said managers to be chosen annually.

"Item 5. Remembering the time when I was a child, and appreciating the value which children attach to the marks of approbation bestowed upon them by their elders, and believing that such rewards of merit stimulate the youthful mind to greater activity in the acquisition of useful knowledge, it is my wish as one of the pioneer teachers of the City of Stockton, State of California, that there shall be an annual award of prizes to the most deserving of the scholars attending the public schools of said city. To secure, therefore, the object sought, I give and bequeath to the said City of Stockton the sum of one thousand ($1,000) dollars in trust, to be invested and held as a fund in perpetuity, the income from which shall be for the providing of silver prize medals to be awarded to the most deserving of the scholars attending the public schools of said city. The first prize awarded in each school to be for general good behavior, said medals to be stamped with appropriate devices and designated 'Hazelton School Medal.'"

[From will of William P. Hazelton (deceased), resident at the time of his death at Stuyvesant, Columbia County, New York.]

ORDINANCE No. 314.

(Approved April 23, 1902.) O. B. 6—176.

Granting, Donating and Setting Apart Certain Real Property for Public Library Purposes, and Providing for the Conveyance of Certain Real Property to the Trustees of the Stockton Free Public Library.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. That, whereas, this Council has heretofore granted, donated, set apart and dedicated for Public Library purposes the following-described real property, to-wit: The north one-half and the west eighty (80) feet of the south one-half of lots two (2) and four (4), in block number twelve (12), east of Center street, in the City of Stockton; such granting, donating, setting apart and dedicating is hereby confirmed, and the Mayor and City Clerk are hereby authorized, empowered and directed to execute and deliver a proper deed and conveyance of the same to Fred M. West, George F. Buck, W. C. Ramsey, Frank D. Nicol and Frank H. Smith, as Trustees of the Stockton Free Public Library, and their successors in office, forever, for the Public Library purposes.

Sec. 2. That the following-described real property, to-wit: The east twenty-one (21) feet of the south one-half of lot four (4) and all of lot six (6), in block number twelve (12), east of Center street, in the City of Stockton, be and the same is hereby granted, donated and set apart to Fred M. West, George F. Buck, W. C. Ramsey, Frank D. Nicol and Frank H. Smith, as Trustees of the Stockton Free Public Library, and to their successors in office, forever, for the Public Library purposes; and the Mayor and City Clerk are hereby authorized, empowered and directed to execute and deliver a proper deed and conveyance of said real property to said Trustees for Public Library purposes.

PENAL.

ORDINANCE No. 53.

(Being originally No. 324, approved March 31, 1891, as amended.)

Relating to the Offense of Misdemeanor; Specifying Acts and Omissions Which, Within the City of Stockton, Constitute the Same and Fixing the Penalties Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

One—Concealed Weapons, Burglars' Tools.

Section 1. It shall be unlawful and a misdemeanor:

1. For any person not being a peace officer or actually prosecuting a journey to or from the town, city or county of his residence, to wear or carry concealed about his person any pistol, dirk, bowie-knife, slungshot, sand-club, metallic knuckles or any other deadly or dangerous weapon, except he first have a written permit to so do from the Mayor of the City of Stockton.

2. For any person not being a peace officer to have in his possession a picklock, jimmy, skeleton key, key to be used with bits, burglars' nippers or any other burglars' tools or burglars' instrument, unless such possession be shown to be innocent or for a lawful purpose.

Two—Firearms, Fireworks, Etc.

Sec. 2. It shall be unlawful and a misdemeanor for any person:

1. To fire or discharge any pistol, gun, rifle, firearm, cannon, anvil loaded with powder, bow, airgun, or other device whereby a shot, bullet or other dangerous missile is projected within the corporate limits of the City of Stockton: provided, that with the permission of the Mayor first had, cannon or anvils may be discharged at any point in such permission specified, and that any person may within or upon his own inclosure shoot dangerous or destructive beasts.

2. To fire, discharge or set off, except on holidays, fete days, or occasion of public parade, and under and by virtue of the written permit of the Chief of Police first had, any cracker, rocket, bomb, torpedo, squib, chaser, Roman candle or any other kind of fireworks.

Three—Criminal Intoxication.

Sec. 3. It shall be unlawful and a misdemeanor:

1. For any person to be found on or in any public street, sidewalk, highway, square or place, or place open to public view, in a state of intoxication.

2. For any person not being a lawful occupant of such house or premises to be found in any private house or private premises in a state of intoxication to the annoyance of any other person.

Five—Disorderly, Immoral and Unlawful Resorts.

Sec. 5. It shall be unlawful and a misdemeanor:

1. To frequent, become an inmate of or contribute to the support of any disorderly house, house or place of ill-fame, assignation or prostitution, or place for gambling, or for any unlawful practice.

2. Knowingly to let, sub-let or transfer possession of any premises or portion thereof for use for gambling or any unlawful practice.

Six—Soliciting Prostitution.

Sec. 6. It shall be unlawful and a misdemeanor for any person by looks, signs, motions, words, lewd or indecent appearance or conduct, or by any other means, to solicit, entice or endeavor to entice any person to enter any room, place or house of ill-fame, assignation or prostitution, or any room, place or house having the reputation of being a room, place or house of ill-fame, assignation or prostitution, or by any means aforestated to donate to or inform passers-by of the character or reputation of such room, place or house, or of the person or persons residing in or frequenting the same.

Seven—Minors in Certain Places at Night.

Sec. 7. It shall be unlawful and a misdemeanor:

1. For the owner, manager, keeper or person in charge of any saloon or other place where malt, vinous or spirituous liquors are sold or given away to be used on the premises, knowingly to suffer or permit any minor under the age of sixteen years, such minor not being regularly employed in such saloon or place, nor accompanied by such minor's parent or guardian, nor a member of the family of such owner, keeper, manager or person in charge, to be or remain in such saloon or place at any time after 8 o'clock P. M. and before 5 o'clock A. M.

2. For any person capable of committing crime and under the age of sixteen years to be found on or in any public street, highway, square or grounds after 9 o'clock P. M. and before 5 o'clock A. M., unless accompanied by such person's parent or guardian or having a written permit to so be from such parent or guardian.

Eight—Possession of Gambling Devices.

Sec. 8. It shall be unlawful and a misdemeanor for any person to have in his possession any cards, dice or any other device with intent to use or have the same used in playing, conducting, carrying on or dealing, whether by such person or another, any game of faro, monte, roulette, lasquenete, rouge et noir, rondo, tan, fantan, studhorse poker, seven and a half, twenty-one, or any banking or percentage game played for money, checks, credit or any other representative of value.

Fifteen—Obstruction of Public Ways.

Sec. 15. It shall be unlawful and a misdemeanor to obstruct or cause to be obstructed any part of, or any part of the public use of any part of any public street, highway, avenue, sidewalk, crosswalk, wharf or bridge.

Sixteen—Obstructions Within Last Section.

Sec. 16. The following-named things, but not to the exclusion of other things, shall be deemed obstructions within the meaning of Section 15 of this Ordinance:

1. Any awning, balcony, porch, window, which being over or above any of said public ways is less than thirteen feet above the official grade thereof.

2. Any post, pillar, pole or structure, not excepted by the provisions of Section 17 of this Ordinance, which stands or rests upon, within or in any of said public ways; any post, pillar, pole or mast for telegraph, telephone or electric light wires hereafter erected or placed otherwise than in that part of the sidewalk space which is not less than eight inches nor more than twenty-four inches from the curb line.

3. Any vehicle or beast so upon or in any of said public ways as without necessity therefor to impede or impair the passage of the public or of any person, vehicle or beast lawfully then and there passing over, on or along such way.

4. Any house, barn or like structure which is standing or being moved upon or in any public way without then and there so being under, by virtue of and in accordance with the terms of a written permit granted by the Mayor and approved by the Superintendent of Streets, wherein is specified the structure permitted to be moved, the public ways on which and the time during which said moving or standing is permitted.

Seventeen—Things Not Obstructions Within Section 15.

Sec. 17. The following-named things are declared not to be obstructions within the meaning of Section 15 of this Ordinance:

1. An obstruction authorized or permitted by the terms of any franchise, ordinance, law or special permit.

2. An obstruction caused by a public officer or public employe in pursuance of his duty or employment as such officer or employe.

3. Any hitching-post not less than three feet nor more than three and a half feet in height above the surface of the way where such post stands, and not more than six inches in diameter, such post being in the sidewalk space and within eight inches of the curb line.

4. Any tree, together with such a post, box or structure immediately adjacent thereto which may be requisite to support or protect such tree, the same being in the lawful tree space or where lawful when planted or set out, and so trimmed as by law required.

5. The use of a sidewalk by the occupant of an abutting tenement for two and a half feet in width next such tenement for the purpose of exhibiting merchandise.

6. The use of a sidewalk by or for the occupant of an abutting tenement for the purpose of transferring merchandise and other articles between such tenement and the roadway during the time necessary for such transfer if prosecuted consecutively and with reasonable diligence.

Nineteen—Neglect to Repair Streets or Sidewalks.

Sec. 19. It shall be unlawful and a misdemeanor for the owner or occupant of land fronting on any portion of an improved street or way, when such portion of such street, way or any sidewalk thereon is out of repair or needing reconstruction, and in a condition to endanger persons or property passing thereon, or to interfere with the public convenience in the use thereof, to refuse, fail or neglect to commence and continuously and diligently prosecute repairs or reconstructions of such street, way or sidewalk within three days after receiving notice to so do from the Superintendent of Streets in accordance with Section 13 of an Act of the Legislature of the State of California entitled: An Act to provide for work upon streets, lanes, alleys, courts, places and sidewalks and for the construction of sewers within municipalities, approved March 14, 1885.

Twenty-One—Projections Over Highways.

Sec. 21. It shall be unlawful and a misdemeanor for any person:

1. To construct, place or cause to be constructed or placed any bay or oriel window, swell front or any similar structure projecting over the line of any public street or way which so projects more than

three feet or exceeds eight and one-half feet in width, or is at the base or bottom thereof less than thirteen feet vertically above the official grade of such street or way; or to construct, place or cause to be constructed or placed any such window, front or structure which projects at all over the line of a public street or way without first having a permit to so do from the City Council, approved by the Mayor.

2. To suspend or place, or, being owner or occupant of any premises, to suffer or permit to remain suspended or placed from or on said premises, over, above or across any street, sidewalk or other public way, any sign, placard, banner or advertisement. But the foregoing provisions shall not apply to any temporary display on any holiday, election day or occasion of public parade, or to any lettering on the globe, shade or other ordinary inclosure of any gas or electric lamp when the same shall have been suspended or placed safely and securely to the satisfaction of the Superintendent of Streets and when, in the case of such temporary display, the same shall not have been by the Superintendent of Streets ordered to be removed or taken down. Nor shall such provision apply to a sign attached to a doorway, if the same does not project more than eighteen inches over and beyond the inner line of the sidewalk, and is not less than seven feet above the sidewalk.

Twenty-Three—Dangerous Apparatus on Public Ways.

Sec. 23. It shall be unlawful and a misdemeanor for any person not being a public officer or employe, in pursuance of his duty as such officer or employe nor an engineer in course of his ordinary employment on a railroad, to exhibit, use, test or experiment with, on or in any public street, way, square or place, any boiler, engine or other apparatus under steam pressure, without having first obtained a written permit to so do from the Mayor.

Twenty-Five—Dangerous Driving.

Sec. 25. It shall be unlawful and a misdemeanor:

1. For any person not being a public officer or employe in pursuance of his duty as such officer or employe, to ride or drive any horse, mule or team on any street or public way at a rate of speed greater than eight miles per hour.

2. For the rider or driver of any horse, mule, other beast or team, willfully or negligently to so ride or drive the same when approaching or crossing any sidewalk as to imperil the life or limb of any pedestrian then on such crosswalk actually and diligently prosecuting passage from one sidewalk to another, or so as to obstruct, impede or impair the reasonable exercise of a paramount right of way by the pedestrian then and there so being as aforesaid. But the right of way for apparatus of the Fire Department when going forth upon an alarm to a fire or a supposed fire shall nevertheless be paramount to that of a pedestrian upon crosswalks.

Twenty-Six—Driving Animals on Public Ways and Places.

Sec. 26. It shall be unlawful and a misdemeanor to drive, or cause to be driven, any number greater than two of loose sheep, hogs, goats, horses, mules or horned cattle on or along any street, avenue, public way, public square or public place in the City of Stockton; provided, that any number of said animals may, under the care of persons sufficient in number, skill and diligence to control the same, be driven on and along the following-named public ways and parts thereof: North street, East street from North street to south line of Scott's avenue;

Scott's avenue, from East street to west line of Pilgrim street; Pilgrim street, from Scott's avenue to South street; South street, Center street from South street to Stockton Channel; Weber avenue and Levee, from West street to east line of El Dorado street; El Dorado street, from south line of Weber avenue to north line of Channel street; Channel street and Commodore's Levee, from El Dorado street to westerly point of Commodore's Levee; Lafayette street, from East street to way of Western Pacific Railroad on Sacramento street.

Twenty-Seven—Inconveniences on Streets, Etc.

Sec. 27. It shall be unlawful and a misdemeanor:

1. For any person to pasture, stake, tie or herd for the purpose of pasturing, or turn loose to roam at will, or cause to be pastured, staked, tied or herded for the purpose of pasturing, or to be turned loose to roam at will on or in any street, public way or square, or to turn loose to roam at will or cause to be turned loose to roam at will, on or in any uninclosed private lot or premises, any horse, ass, mule, hog, pig, goat, sheep, ox, bull, cow, calf or any horned or other cattle.

2. For any person being the owner or having charge, care or control of any dog or bitch to suffer, allow or permit the same to be upon or in any street, public way or square, unless around the neck of the same is a collar to which is attached a tag bearing the number marked thereon by the City Clerk as provided for in any Ordinance. But this subsection does not apply to a dog which accompanies an owner not a resident of the City of Stockton.

3. For the owner or occupant of any premises in front of or adjacent to which any tree is standing or growing in or on any public street or way, to fail or neglect to keep such tree so trimmed that no branch thereof, where more than two feet horizontally from the butt of said tree, shall be less than ten feet above the official grade of such street or way.

4. For any person to play or assist or participate in playing on or in any public street, sidewalk or way any game or play wherein is thrown, batted, kicked or used any baseball, football, handball or other ball.

5. For any person to beat, clean or dust any carpet in or on any public street, way, sidewalk or bridge or on any fence or wall on the line of the same.

Twenty-Eight—The Same Continued.

Sec. 28. It shall be unlawful and a misdemeanor:

1. For any person to place, throw or deposit on or in any public street, way, sidewalk or square, or to have possession of while on or in any public street, way, sidewalk or square with intent to place, throw or deposit on or in the same, any pieces or scraps of paper, pasteboard or cardboard, dodgers, handbills or advertising or business cards.

2. For any person to throw, place or deposit on or in any public street, way, square or channel any rubbish, garbage, bottles, glass, crockery, tinware, tin scraps, ashes, stable litter, filth, offal, refuse of offensive or dangerous matter of any kind.

3. For any person to place or transport after 7 o'clock A. M. and before 8 o'clock P. M., on, in, along or across any street or sidewalk within the limits of the City of Stockton any garbage, kitchen refuse, night soil, swill or any other matter offensive to sight or smell; or to place or transport between the hours of 8 o'clock P. M. and 7 o'clock

A. M. on, in, along or across any street or sidewalk within the limits of the City of Stockton any garbage, kitchen refuse, night soil, swill or any other matter offensive to sight or smell, unless the same be contained in water-tight vessels having covers so fitted that no liquid matter and no gaseous exhalation will escape therefrom during transportation.

Thirty—Bicycles on Sidewalks, Etc.

Sec. 30. It shall be unlawful and a misdemeanor for any person over fourteen years of age to ride any roadster, tandem, safety or other bicycle or tricycle upon, in or over any sidewalk or sidewalk space, or upon, in or over any footway for pedestrians in any public square or on any public bridge or wharf.

Thirty-Two—Damaging Roadways.

Sec. 32. It shall be unlawful and a misdemeanor:

1. To roughlock any wheel or vehicle or cause the same roughlocked to be drawn or driven on or through any street or roadway which has been improved by graveling, macadamizing or paving, whether with basalt, bituminous or other rock.

2. To use or drive or cause to be used or driven, on, in, along or across any street or roadway which has been improved by graveling, macadamizing, or paving, whether with basalt, bituminous or other rock, any dray, truck, lumber wagon or other vehicle, which, together with the load thereupon, weighs more than 8,000 pounds, unless the tires of all the wheels thereof are at least four inches in width each and one-half inch in width thereto additional for each and every thousand pounds of load or vehicle in excess of 8,000 pounds up to 10,000 pounds, and for each and every thousand pounds of load or vehicle in excess of 10,000 pounds having an additional width to each tire of one inch.

Thirty-Four—Not Moving on When Requested.

Sec. 34. It shall be unlawful and a misdemeanor for any of the persons composing a company or crowd obstructing, impeding or impairing the free and peaceful passage of others on or along any street, sidewalk, wharf, bridge, public way or entrance to any theater, pavilion, church, public hall or other place of public resort, to refuse, fail or neglect to disperse or move on when requested to do so by a peace officer. But this provision shall not apply on the occasion of any public outdoor meeting or public procession.

Thirty-Five—Preparing Streets Under Franchise.

Sec. 35. It shall be unlawful and a misdemeanor for any person or persons exercising or having, under any grant or franchise, special rights or privileges in any public street or way when, in accordance with the terms of such grant or franchise, requested to improve or repair such street or way, to refuse, fail or neglect to improve or repair the same with material either similar in kind and quality to that with which such street or way may then be improved or with such as may be selected by the City Council; or to improve or repair the same with material other than as aforesaid; or to fail, neglect or refuse to improve or repair the same in the manner designated by said Council.

Thirty-Six—Hitching to Trees—Hitching-Posts.

Sec. 36. It shall be unlawful and a misdemeanor:

1. To tie, hitch or fasten any horse, mule, beast of burden, team, cow, bull, ox or goat to any tree in front of or adjacent to any public

or private lot or square, or to any tree-box, post or any other structure which may be around or adjacent to such tree for its support or protection.

2. Maliciously or negligently to break, damage or displace any hitching-post in any public way lawfully being.

Thirty-Seven—Damaging Public Channels.

Sec. 37. It shall be unlawful and a misdemeanor to throw or deposit in any public channel any solid matter whatever, or to drain or run into any navigable channel any fluid holding in suspension or solution matter which, if precipitated or deposited in such channel for a sufficient time, would obstruct or impair the navigability of the same.

Thirty-Nine—Steamboats and Railroads.

Sec. 39. It shall be unlawful and a misdemeanor:

1. For any person having command, charge or control as captain, mate or like officer, of any steamboat, tugboat or other steam vessel, to order, cause or suffer such boat or vessel to be run or propelled upon any waters within the corporate limits of the City of Stockton at a rate of speed greater than five miles per hour.

2. For any person having command, charge or control as conductor, engineer or otherwise of any locomotive, locomotive engine or other engine used or run on a railroad track, to order, cause or suffer the same, whether alone or attached to a car, to run, be drawn or propelled on any track within the corporate limits of the City of Stockton at a rate of speed greater than eight miles per hour.

3. For any person to get on or off any railroad car or train of cars, propelled or usually propelled by steam, while such car or train is in motion, at any place other than a regular depot, station or place where such car or train usually stops to take or land passengers, such person not being an officer or employe of the owner or operator of such car or train.

4. For any person willfully to obstruct, impede or interfere with any passenger car belonging to or in use by any street railroad company.

Forty-Two—Regulation of Hackmen, Runners, Etc.

Sec. 42. It shall be unlawful and a misdemeanor:

1. For any runner, hackman, coach or omnibus driver, expressman or porter to enter upon or into any railroad car, depot, steamboat or steamboat landing, or any platform, passage or landing way leading to or from the same, while actually prosecuting his employment as such, except under and in conformity with such rules and regulations as may for that purpose be prescribed by the corporation owning or controlling such boat, car, landing, depot or platform; provided, that a printed copy of said rules or regulations be kept posted conspicuously in or on said depot, landing, platform or passage way, and that any person may enter upon or into such depot, landing or platform for the purpose of assisting passengers on or off any train or steamboat.

2. For any person to demand, collect or receive for passage or transportation of a passenger or baggage in any carriage, hack, cab, express wagon, omnibus or other vehicle, a higher or greater rate of fare than is or may be by any Ordinance designated or fixed therefor.

Forty-Five—License Rates and Harbor Dues.

Sec. 45. It shall be unlawful and a misdemeanor:

1. For any person, as principal, agent, employe or otherwise, to conduct, maintain, engage in or carry on within the corporate limits

of the City of Stockton any business, trade, calling, profession, game, entertainment or show for which a license now is or may hereafter be by any Ordinance required or a license rate fixed or charged without first procuring a license to so do, or without having for the amount of such license rate such a receipt as is or may be by any Ordinance provided for, the term of which as specified on the face thereof has not expired.

2. For any master, captain, owner, agent or other person in charge or command of any steamboat, sailing vessel or other craft, to land or deliver or transfer possession of any portion of the freight or cargo of the same until all lawful tonnage and harbor dues thereon have been fully paid, unless by a special permit from the Harbormaster.

Forty-Eight—Offenses in Fire Districts.

Sec. 48. It shall be unlawful and a misdemeanor for any person:

1. To construct, repair, or cause to be constructed or repaired, of or with any material other than stone, brick, cast or wrought iron, mortar or cement, any part of any external or party wall of any building or addition thereto within the fire districts of the City of Stockton as the same now are or may hereafter be established or defined; provided, however, that the roof of any building may be constructed of or covered with any non-combustible material.

2. To refuse, fail, neglect or omit in constructing or erecting or causing to be constructed or erected, any building or addition thereto within said fire districts, to continue or carry up any external or party wall thereto at least two feet above the roof of such building or addition, respectively.

3. To cover, overlay, construct, erect or cause to be covered, overlaid, erected or constructed, any building or addition thereto within said fire districts, with or by any combustible materials, or sheet iron, galvanized iron or wrought iron, except the roof of any such building, which said roof may be constructed of or covered with any non-combustible material.

4. To move to or upon any lot within said fire districts from any other lot or place, whether within or without said fire districts, any building or addition thereto, which, at the time of said moving, could not be lawfully originally constructed upon any lot in said fire districts.

5. To construct or cause to be constructed within said fire districts any sidewalk or curbing of wood or other combustible material.

6. To attempt to do or omit anything, the doing or omission of which is in this section declared unlawful.

7. But any building or addition thereto which at the time of its original construction was constructed of material then lawful, may, though within said fire districts, be altered or repaired, but not enlarged, except by increasing its height, with material like that of which it was originally constructed, if such alteration or repairing be made under and in accordance with the terms of a permit first had from the City Council, upon recommendation of the Board of Police and Fire Commissioners; and neither said permit nor recommendation shall be granted, allowed or made unless the owner of the said building shall, at the time of applying for said permission, file with the said Board of Police and Fire Commissioners written plans and specifications of the proposed work, which shall be to the satisfaction of said Board of Police and Fire Commissioners and the Chief Engineer of

the Fire Department, and in no case shall said repairs or alterations be permitted if said repairs or alterations shall exceed 30 per cent of the original cost of the building.

Fifty—Precautions Against Fire.

Sec. 50. It shall be unlawful and a misdemeanor:

1. To use, maintain, or place for use or maintenance, any stove-pipe or smoke-pipe which passes through the roof or any external wall of any building within the fire districts of the City of Stockton as the same now are or may hereafter be established and defined.

2. To maintain or place for or in use any stove-pipe or smoke-pipe which, where parallel with any combustible wall, partition, ceiling or roof, is nearer than six inches thereto; or which passes through any hole in the same which does not exceed such pipe in diameter by at least four inches; or which is not surrounded where it passes through such hole by an earthen or double metallic receiving pipe or register; or which is at any part of its circumference where it passes through any such hole nearer than two inches to any combustible material in any wall, partition, ceiling, floor or roof.

3. To deposit or cause to be deposited, or, being owner or occupant of any premises, to suffer or permit to be deposited or to remain in or on said premises, in or on any combustible receptacle or floor, or in any manner within two inches of any combustible structure any ashes, coals, cinders or other remains of fire.

4. To kindle, continue, use or cause to be kindled, continued or used with any, even the slightest degree of wantonness, negligence or carelessness, any fire or bonfire on any public way or square or anywhere in the open air.

Fifty-Two—Offenses Relating to Fire Department.

Sec. 52. It shall be unlawful and a misdemeanor:

1. To break, remove, damage, disturb or in anywise interfere with any wire, pole, apparatus or appurtenance of the fire alarm telegraph without first having a special permit or authority to so do from the Superintendent of the Fire Alarm Telegraph and the Chief Engineer of the Fire Department.

2. Willfully and negligently to obstruct or impede any member or apparatus of the Fire Department when such member or apparatus is going to or engaged in extinguishing a fire.

3. Willfully or negligently to drive any vehicle over or across any hose of the Fire Department, such hose then and there not being fully protected from damage thereby.

4. Willfully to give or turn in a false alarm of fire.

5. For any person not an officer or employe of the Fire Department in pursuance of his duty as such officer or employe, to ring or cause to be rung any fire alarm bell, without first having obtained the consent of the Chief Engineer of the Fire Department and of two members of the Board of Police and Fire Commissioners.

6. To open or leave open, except for ordinary household purposes, any faucet or water-cock directly or indirectly connected with the source whence the Fire Department derives its supply of water for extinguishing fires, or to use or continue using for irrigating purposes any water from any pipe so as aforesaid connected with said source of

supply, from and after an alarm of fire during any part of the time the Fire Department is drawing upon such source of supply for the extinguishment of such fire.

Fifty-Five—Storage of Explosives and Combustibles.

Sec. 55. It shall be unlawful and a misdemeanor in any one storehouse, building, enclosure, tank, magazine or place:

1. To store, keep or have within the corporate limits of the City of Stockton more than fifty pounds of gunpowder, nitroglycerin, giant powder or other highly explosive substance; or to store, keep or have any of the same as aforesaid, unless conspicuously near the entrance of the premises where kept, convenient for removal, in a covered metallic receptacle, plainly marked "Powder" in Roman letters, not less than three inches long, painted white on a dark ground.

2. To store, keep or have within said corporate limits more than 500 gallons of kerosene, petroleum or inflammable product of petroleum, except under, by virtue of and in accordance with the terms of a special permit by resolution of the City Council.

3. To store, keep or have within the fire districts of said city as the same now are or may hereafter be established and determined, any hay or straw, except for the purpose of feeding on premises where kept, a quantity not to exceed three tons for each beast usually kept on such premises and fed on such hay or straw; excepting, also, for the purpose of smaller sales, a quantity not to exceed two tons; and in both excepted cases, within fire-proof buildings.

4. To store, keep or have within said corporate limits, but outside of said fire districts, save in the cases excepted in Subsection 3, last aforesaid, more than twenty tons of hay or straw, unless in a fire-proof building or completely enclosed and covered, at a distance of at least 100 feet from every neighboring building.

Fifty-Seven—Doors of Places for Public Assemblies.

Sec. 57. It shall be unlawful and a misdemeanor for any person to construct or cause to be constructed in any building hereafter erected, completed or altered, used or to be used in whole or in part for public assemblages, in any doorway thereof or any hall or apartment therein, any sliding door or any door not used or to be used by the public for ingress or egress to or from such building or any hall or apartment therein, any sliding door or any door not constructed so as to swing both outwardly and inwardly, or any such doorway less than ten feet wide; or for any person or persons having the right or power to remove or alter any door or doorway which is unlawful under the aforestated provision, to suffer the same to remain so unlawfully in place for the period of one month.

Sixty—Obstructing Passages in Public Halls, Etc.

Sec. 60. It shall be unlawful and a misdemeanor to place or set in any aisle or passageway in any building, apartment, hall or room used for public assemblages at any time during any performance, exhibition, concert, play, ball, lecture, service or public assembly, any campstools, benches, chairs, sofas or other obstruction or impediment to passage, along and throughout the entire width and length of such aisle or passageway.

Sixty-Two—Relating to Health and Health Officers.

Sec. 62. It shall be unlawful and a misdemeanor:

1. To bury within the City of Stockton or to remove therefrom for burial or other purpose the body of any deceased person without first having obtained a permit to so do from the Health Officer or the Secretary of the Board of Health.

2. To violate or refuse, fail or neglect to comply with any lawful, general or special order, notice or direction of the Board of Health, Health Officer or any member of said Board.

3. To lease, let or sublet any house where any person is or has been sick with cholera, yellow fever, smallpox or varioloid, or leave or remove from any pesthouse, hospital or other place of temporary detention for persons having or exposed to any of said diseases without having first obtained a permit to so do from the Board of Health or Health Officer.

4. For the owner, occupant or person in charge of any vessel in port, steamboat, building, room, lot, vault, cellar, outhouse, cesspool or other place being notified in writing by the Board of Health or Health Officer that the same needs cleansing or purifying, to refuse, fail or neglect for thirty-six hours after receiving such notice to cleanse and purify the same.

5. For any person, particularly any physician, keeper of a hotel, boarding-house or lodging-house, who has reason to know or believe that any person is suffering from cholera, yellow fever, smallpox, varioloid or diphtheria to neglect or fail to report the fact to the Health Officer or Board of Health within five hours after first coming to such knowledge or belief.

Sixty-Four—Drainage of Laundries.

Sec. 64. It shall be unlawful and a misdemeanor for any person, firm, association or corporation to keep, carry on, maintain, or cause to be kept, carried on or maintained, any public wash-house or laundry:

1. Unless the same, for the purpose of drainage, be connected with an underground sewer or a slough or channel containing running or tide water; or,

2. Without obtaining and having for each and every month from the Health Officer a certificate that such wash-house or laundry is connected as aforesaid, and that the premises in and about the same are in a good sanitary condition. Every house, building or place where washing is done for hire or as a business is a public wash-house or laundry within the meaning of this section.

Sixty-Six—Telegraph and Telephone Apparatus.

Sec. 66. It shall be unlawful and a misdemeanor:

1. For any person wantonly or negligently to break, remove, damage, disturb or interfere with any wire, pole, apparatus or appurtenance of any telephone or telegraph company.

2. For any person not in course of service in or for such company to break, remove, damage, disturb or interfere with any wire, pole, apparatus or appurtenance belonging to or used by any telegraph or telephone company, the same being lawfully in place, without having first obtained a special permit to so do from the local Superintendent of such company, or in case of his absence or refusal, and when such wire, pole, apparatus or appurtenance is in, on, over or across any public street, way or square, from the Superintendent of Streets.

3. For any person to climb or ascend any pole, mast or tower of any telegraph, telephone, fire alarm or electric light system without the consent first had of the officer or person having local superintendence of the same.

Sixty-Eight—Miscellaneous Offenses.

Sec. 68. It shall be unlawful and a misdemeanor:

SLAUGHTERING.

1. To slaughter or kill within the corporate limits of the City of Stockton any cattle, calf, sheep, lamb, hog or pig for use or disposition as food or merchandise.

BARBED WIRE.

2. To use barbed wire as material for constructing, repairing or maintaining any part of any fence or adjunct thereof.

DEFACING POSTERS, ETC.

3. Wantonly, maliciously or carelessly to obscure, deface, destroy or remove any bill, placard, poster or advertisement lawfully being on any fence, wall, building or bulletin board.

Sixty-Nine—Other Miscellaneous Offenses.

Sec. 69. It shall be unlawful and a misdemeanor:

NUMBERING HOUSES.

1. For any owner or occupant of any building by law required to be numbered with the street number thereof, to refuse, fail or neglect for ten days after being by the Superintendent of Streets notified to number such building, to have such street number attached to or inscribed upon such building.

AIR IN SLEEPING-ROOMS.

2. To use, occupy or let for use or occupation as a sleeping apartment any room, house or building which does not contain at least 500 cubic feet of air space for each person occupying or using the same at any one time as a sleeping apartment.

GOODS ON WHARF.

3. For an owner or consignee of goods, wares or merchandise to fail or neglect to remove the same from any wharf or landing within ten hours after being notified to remove the same by the Harbormaster.

Seventy-Three—Cumulation of Offenses.

Sec. 73. Where, by the provisions of this or any Ordinance of the City of Stockton a continued act or omission or the continuance of an act or omission constitutes a misdemeanor, the continuance of such act or omission for each and every twenty-four hours of such continuance shall constitute a distinct and separate offense, and be punishable accordingly; provided, that where the continuance of an act or omission for a specified time is necessary to constitute an offense an additional continuance of the same for an equal period of time shall be necessary to constitute another distinct and separate offense.

Seventy-Four—Penalty of Misdemeanors.

Sec. 74. Every and any misdemeanor defined, specified or described in this or any Ordinance of the City of Stockton, except as may otherwise be specially provided, shall be punishable by a fine not to exceed $150 or by imprisonment in the County Jail of the County of

San Joaquin or the City Prison of the City of Stockton not to exceed 150 days, or by both such fine and imprisonment, or by such fine with the alternative in default of payment thereof of such imprisonment at the rate of one day of imprisonment for each dollar of fine imposed.

Seventy-Six—When This Ordinance Takes Effect..

Sec. 76. This Ordinance shall take effect at 12 o'clock M. on the second day of May, 1891.

[NOTE.—Section 30 of the foregoing Ordinance has been repealed by Ordinance No. 286; and Section 48 has been amended by Ordinance No. 169.]

ORDINANCE No. 286.

(Approved March 13, 1901.)

An Ordinance Amending Ordinance No. 53 by Repealing Section 30 Thereof, and by Adding Thereto Certain Sections Relating to Riding Bicycles, Tricycles and Velocipedes Upon the Public Streets, Sidewalks and Thoroughfares of the City.

Be it ordained by the City Council of the City of Stockton as follows:

SECTION I.

Ordinance 53, entitled "Relating to the offense of misdemeanors; specifying acts and omissions which, within the City of Stockton, constitute the same, and fixing the penalties thereof," approved March 31, 1891, is hereby amended as follows, to-wit:

Section 30 thereof is hereby repealed and in lieu of Section 30, two new sections, to be numbered 30 and 31, are hereby adopted, and in the words and figures following, to-wit:

THIRTY.

Section 30. Every person riding a bicycle, tricycle or velocipede in or along any public street, sidewalk, lane, alley or thoroughfare within the limits of the City of Stockton, must have a bell attached to the said bicycle, tricycle or velocipede, and must ring the said bell loudly and continuously at least thirty feet before reaching, and while traversing, every public street crossing; and every person failing to do so is guilty of a misdemeanor.

THIRTY-ONE.

Section 31. Every person riding a bicycle, tricycle or velocipede upon any sidewalk or any public street, lane or alley, or upon and along any footway for pedestrians in any public square, or on any public bridge or wharf within the limits of the City of Stockton, shall immediately dismount from said bicycle, tricycle or velocipede upon meeting or overtaking any person who may then and there be walking or standing upon said sidewalk or upon the footway for pedestrians within said public square or upon said public wharf or bridge; and every person failing to do so is guilty of a misdemeanor.

SECTION II.

Ordinances No. 177 and No. 194 are and each of them is hereby repealed.

SECTION III.

This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 169.

(Approved April 15, 1896.)

An Ordinance Amending Section 48 of Ordinance 53, Relating to the Offense of Misdemeanor, Specifying Acts and Omissions Which, Within the City of Stockton, Constitute the Same, and Fixing the Penalties Thereof, Being Originally Ordinance No. 324, Approved March 31, 1891.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 48 of Ordinance No. 53, relating to the offense of misdemeanor, specifying acts and omissions which, within the City of Stockton, constitute the same, and fixing the penalties thereof, being originally Ordinance No. 324, approved March 31, 1891, is hereby amended so as to read as follows:

Sec. 48. It shall be unlawful and a misdemeanor for any person:

1. To construct, repair, or cause to be constructed or repaired, of or with any material other than stone, brick, cast or wrought iron, mortar or cement, any part of any external or party wall of any building or addition thereto within the fire districts of the City of Stockton, as the same now are or may hereafter be established or defined; provided, however, that the roof of any building may be constructed of or covered with non-combustible material.

2. To refuse, fail, neglect or omit in constructing or erecting, or causing to be constructed or erected, any building or addition thereto within said fire districts, to continue or carry up any external or party wall thereto at least two feet above the roof of such building or addition, respectively.

3. To cover, overlay, construct, erect or cause to be covered, overlaid, erected or constructed any building or addition thereto within said fire district, with or by any combustible material, or sheet iron, galvanized iron or wrought iron, except the roof of any such building, which said roof may be constructed of or covered with any non-combustible material.

4. To move to or upon any lot within said fire districts from any other lot or place, whether within or without said fire districts, any building or addition thereto, which, at the time of said moving, could not be lawfully originally constructed upon any lot in said fire districts.

5. To construct or cause to be constructed within said fire districts any sidewalk or curbing of wood or other combustible material.

6. To attempt to do or omit anything, the doing or omission of which is in this section declared unlawful.

7. But any building or addition thereto which at the time of its original construction was constructed of material then lawful, may though within said fire districts, be altered or repaired, but not enlarged except by increasing its height, with material like that of which it was originally constructed, if such alteration or repairing be made under and in accordance with the terms of a permit first had from the City Council, upon recommendation of the Board of Police and Fire Commissioners; and neither said permit nor recommendation shall be granted, allowed or made unless the owner of the said building shall, at the time of applying for said permission, file with the said Board of Police and Fire Commissioners, written plans and specifications of the proposed work, which shall be to the satis-

faction of said Board of Police and Fire Commissioners and the Chief Engineer of the Fire Department, and in no case shall said repairs or alterations be permitted if said repairs or alterations shall exceed 30 per cent of the original cost of the building.

8. This Ordinance shall be in force and effect from and after its passage and approval.

ORDINANCE No. 108.

Making It a Misdemeanor for Children Under Sixteen Years to Get On or Off Street Cars, Wagons or Trucks While in Motion, and Fixing the Penalty for Any Violation of This Ordinance.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any child or minor under the age of sixteen years, within the City of Stockton, to get on or attempt to get on, or to get off or attempt to get off, any street car, train of street cars propelled by a locomotive engine, electric motor, horse or horses, or any wagon or truck drawn by one or more horses, while the same or either of them are in motion. And any child under the age of sixteen years who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not to exceed $50.00, or by imprisonment not to exceed one month, or by both such fine and imprisonment.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 176.

(Approved September 2, 1896.)

An Ordinance for the Protection of Improved Public Squares.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor:

1. For any person to play any game upon any improved public square in the City of Stockton.

2. For any person to climb any tree or to injure or damage any tree, shrubbery, or flowers or grass, upon any improved public square in said city.

3. For any person to wilfully injure, deface or damage any fence, bench, seat or structure of any kind in, upon or around any improved public square in said city.

4. For any person to throw or place upon any improved public square in said city any paper, rubbish, garbage or refuse matter of any kind.

Sec. 2. Any person violating any provision of this Ordinance shall be punished as provided in Section 74 of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect and be in force from and after its approval.

ORDINANCE No. 181.

(Approved February 12, 1897.)

An Ordinance for the Protection of Fire Hydrants and Cisterns.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person shall obstruct any hydrant or cistern in such manner as to hide it from view at any point, or hinder free access thereto by an engine or hose cart, or construct an area or other wall or thing so as to interfere in any manner with a fire hydrant below the level of the curb.

Sec. 2. Any person violating any provision of this Ordinance shall be punished as provided in Section 74 of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect and be in force from and after its approval.

ORDINANCE No. 186.

(Approved May 7, 1897.)

An Ordinance Prohibiting Expectoration in Public Places.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person shall expectorate on the floor of any public building, or on any sidewalk, in the City of Stockton, or on that portion of Hunter street included within the railing surrounding the public fountain near the intersection of Hunter and Main streets.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in Section seventy-four (74) of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect from and after its approval.

ORDINANCE No. 187.

(Approved May 19, 1897.)

Prohibiting the Placing of Advertisements Upon City Property.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person to post, paste, paint, hang, or in any manner or way place upon or affix to any fence, bridge, wharf, steamboat shed, building or other property belonging to the City of Stockton, any advertisement or advertising matter of any kind or nature.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and, upon conviction, shall be punished as provided in Section seventy-four (74) of Ordinance No. 53 of the Ordinances of the City of Stockton.

ORDINANCE No. 205.

(Approved November 10, 1897.)

Prohibiting Any Person From Wearing Hats and Head Covering in Theaters or Places of Amusement During the Performance. Proviso:

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person shall wear any hat or bonnet or other head covering within any licensed theater in this city during the rendition of any programme on the stage or platform of said theater; but every such hat, bonnet or other head covering shall be removed from the head of the person wearing the same during the time of the performance in said theater or during the rendition of the programme on the stage or platform of said theater; provided, however, that the above inhibition shall not be held to include skull-caps, lace coverings or other small or closely fitting headdress or covering which does not interfere with or obstruct the view of the stage or platform of such theater of persons in the rear of such wearers while in such theater.

Sec. 2. No person, firm or corporation having the lease, management or control of any licensed theater shall permit any person, during the time of performance in such theater, or during the rendition of any programme on the stage or platform of said theater, to wear any hat, bonnet or covering for the head contrary to the provisions of Section 1 of the Ordinance; and every person, firm or corporation having the lease, management or control of any licensed theater shall give notice of the provisions of this Ordinance by distributing or causing to be distributed, at or before the commencement of such performance or the rendition of such programme, generally, among those present thereat, notices of said Ordinance, printed or otherwise, published on cards, handbills or other devices, or in a conspicuous portion of the printed programme.

Sec. 3. Any person who shall violate the provisions of Section 2 of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punishable by a fine of not less than $10.00 nor more than $25.00, or by imprisonment in the County Jail not less than two days nor more than ten days, or by both fine and imprisonment.

Sec. 4. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 241.

(Approved September 27, 1899.)

An Ordinance to Prohibit the Operation, Maintenance, Use or Conducting of Slot Machines, Card Machines, Tape Machines and Other Mechanical Devices in the City of Stockton, for Money or Goods, Wares or Merchandise, When the Result of the Operation or Action of Which Is Dependent Upon Chance or Hazard.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person, either as owner, lessee, agent, employe, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct, within the City of

Stockton, any clock, tape, slot or card machine, or any other machine, contrivance or device upon which money is staked or hazarded upon chance or into which money is paid, deposited or played, upon chance or upon the result of the action of which money or any other article or thing of value is staked, bet, hazarded, won or lost upon chance.

Sec. 2. It shall be unlawful and a misdemeanor for any person, either as owner, lessee, agent, employe, mortgagee or otherwise, to operate, keep, maintain, rent, use or conduct within the City of Stockton, any machine, contrivance, appliance or mechanical device, upon the result of the action of which money or other valuable thing is staked or hazarded, and which is operated or played by placing or depositing therein any coin, checks, slugs, balls or other article or device, or in any other manner, and by means of the action whereof, or as a result of the operation of which, any merchandise, money, representative or article of value, check or token redeemable in or exchangeable for money, or any other thing of value, is won or lost, or taken from or obtained from such machine, when the result of the action or operation of such machine, contrivance, appliance or mechanical device is dependent upon hazard or chance.

Sec. 3. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 244.

(Approved September 27, 1899.)

An Ordinance Providing for the Destruction of Weeds Growing or Standing in the Sidewalk Space of Real Estate Within the Corporate Limits of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It is hereby made the duty of every occupant, agent, claimant or person in possession or control of any real estate within the corporate limits of the City of Stockton to cut down and destroy, and to keep cut down and destroyed, the weeds growing or standing in the sidewalk space in front of the premises of which he is the owner, occupant, agent, claimant, or of which he has possession or control.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section seventy-four (74) of Ordinance number fifty-three (53) of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect and be in force from and after its approval.

ORDINANCE No. 247.

(Approved December 12, 1899.)

An Ordinance Prohibiting Persons From Dealing, Playing, Opening or Conducting the Gambling Game of Keno, or Permitting the Same to Be Played, Conducted or Carried On Within the City of Stockton, and Prescribing the Penalty for Its Violation.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every person who deals, plays, or carries on, opens or causes to be opened, or who conducts, either as owner or employe,

whether for hire or not, any game of keno played with cards, dice, or any device for money, checks, credit or other representative of value, and every person who plays or bets at or against said game, is guilty of a misdemeanor.

Sec. 2. Every person who knowingly permits the game of keno, mentioned in the preceding section, to be played, conducted or dealt in any house owned or rented by said person in whole or in part, is guilty of a misdemeanor.

Sec. 3. Ordinance No. 202 of the Ordinances of the City of Stockton is hereby repealed; and all Ordinances in conflict with this Ordinance are hereby repealed.

This Ordinance shall take effect and be in force from and after its approval.

ORDINANCE No. 265.

(Approved July 3, 1900.)

An Ordinance Amending Ordinance No. 259 (Passed to Print May 22, 1900), Being an Ordinance Fixing Certain Rules Governing Consumers of Water Furnished by Any Person, Company or Corporation to the City of Stockton or to the Inhabitants Thereof, and Providing a Penalty for Its Violation.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 1 of Ordinance No. 259 (passed to print May 22, 1900), and entitled "An Ordinance fixing certain rules governing consumers of water furnished by any person, company or corporation to the City of Stockton, or to the inhabitants thereof, and providing a penalty for its violation," is hereby amended so as to read as follows:

Section 1. Consumers using water for irrigating lawns, gardens and other places in the City of Stockton, shall use the same only between the hours of 5 o'clock A. M. and 10 o'clock A. M., and between the hours of 4 o'clock P. M. and 10 o'clock P. M., during the months of May, June, July, August, September and October.

Sec. 2. All contractors must obtain permits from the person, company or corporation furnishing water to said contractors before using water for mortar or brick work or for cement sidewalks, or for plastering or cement work. No consumer of water shall allow any contractor or contractors to use water except such contractor or contractors produce the permit required by this section.

Sec. 3. The sprinkling of streets, alleys and public grounds from private hydrants is prohibited.

Sec. 4. Service with the main can only be made by the person, company or corporation furnishing water upon a deposit of $8.00 being first made for the same by the applicant therefor. No person except the authorized agent of the person, company or corporation furnishing water shall turn the water on any building or premises without the written permit of the Superintendent of the person, company or corporation furnishing such water.

Sec. 5. The person, company or corporation furnishing water shall, by and through its agents, be allowed free access at reasonable hours during the day to any place, for the purpose of making personal examination of the premises of any applicant for or consumer of water for the purpose of designating the rate to be established, and

for the inspection of the water pipes and other apparatus in connection therewith.

Sec. 6. Any person who shall violate the provisions of this Ordinance shall be guilty of a misdemeanor.

Sec. 7. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 289.

(Approved April 30, 1901.)

An Ordinance Requiring Persons Carrying On or Conducting in the City of Stockton the Business Commonly Known as That of Pawnbroker, Second-Hand Dealer or Second-Hand Store, to Keep a Record Book in Which Shall Be Entered in the English Language a Description of All the Property Purchased by Them or Deposited With Them, With the Price Paid Therefor, or the Amount Loaned Thereon, and the Name and Signature of the Seller or Depositor Thereof; and Providing That Such Record Book Shall Be Open for Inspection of Police Officers, and Requiring the Custody and Possession of Said Property to Be Retained by Said Persons Conducting Said Business of Pawnbroker, Second-Hand Dealer or Second-Hand Store; and Providing a Penalty for the Violation of the Same.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every person who conducts or carries on as owner, or otherwise, within the limits of the City of Stockton, the business and occupation commonly known as and called that of pawnbroker, second-hand dealer, or second-hand store, or who owns, conducts or carries on the business of buying and selling goods, wares, merchandise or other articles or property at second hand, shall keep at such place of business a record book in which shall, at the time of purchase or deposit thereof, be entered in the English language by such person carrying on or conducting said business, a description sufficient for identification of all goods, wares, merchandise or other articles of property so purchased or deposited, the price paid therefor or the amount loaned thereon by said person carrying on or conducting said business, and the name and signature of the person selling or depositing the same: and if the articles of merchandise purchased by or deposited with such owner or dealer, or by any pawnbroker, or keeper of a pawn shop, be purchased at private sale and be capable of manual delivery and transmission, such articles of merchandise shall be by such owner, or dealer, or keeper, or pawnbroker, retained in the custody and possession of such owner, or dealer, or keeper, or pawnbroker, for a period of not less than fifteen days after such purchase shall be made.

Sec. 2. The said record book referred to in Section 1 hereof shall be open at all times for inspection by any Sheriff, police officer, Constable, or other peace officer: and shall not in any manner be concealed from them. And the said goods, wares, merchandise and other articles of property referred to in Section 1 shall, upon demand, be shown or exhibited to any Sheriff, police officer, Constable or other peace officer, and shall not in any manner be concealed from them.

Sec. 3. Any person violating any provisions of this Ordinance shall be guilty of a misdemeanor.

Sec. 4. This Ordinance shall take effect and be in force from and after its final passage and approval.

ORDINANCE No. 130.

Defining Certain Misdemeanors in Relation to the Connection of Privies, Cesspools, Sinks, Drains and Conduits With the Street Sewers, and to Apparatus for Flushing or Cleansing the Same.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor:

1. For any person to construct, after the fifteenth day of September, 1893, or to suffer to be or remain after the thirty-first day of December, 1893, upon premises owned or controlled by such person, any privy, privy vault, cesspool, sink or drain, unless the same be connected in the manner required by law with the street sewer in the street on which said premises are situated or abut. The foregoing provision shall not, however, apply in case there be no street sewer in the street on which said premises are situated or abut; and in such case privies, privy vaults, cesspools, sinks or drains not so as aforesaid connected, may be constructed or suffered to remain on such premises, subject to and in conformity with the regulations from time to time prescribed therefor by law.

2. For any person to construct after the fifteenth day of September, 1893, or suffer to be or remain after the thirty-first day of December, 1893, upon premises owned or controlled by such person, any drain or branch sewer connected with any dwelling-house or building, or with any privy, privy vault, cesspool, sink or drain, unless such drain or branch sewer be provided with some apparatus or means by which such privy, privy vault, cesspool, sink, drain and branch sewer can be effectually cleansed or flushed, and also constructed, laid and trapped as required by law.

3. For any person to connect any open gutter, any rainwater conductor or conduit of surface water with any public sewer or drain, or with any private sewer or drain connected with any public sewer or drain, or in any manner to discharge or conduct rainwater or surface water into any public sewer or drain or into any private sewer or drain connected with any public sewer or drain; provided, however, nothing in this subdivision contained shall apply to the drainage of rain or surface water into the catch-basins of sewers or drains which are a part of the surface drainage system of the City of Stockton.

ORDINANCE No. 347.

(Approved July 28, 1903.) O. B. 6—334.

An Ordinance Regulating the Speed of Automobiles and Other Motor Vehicles and Cars Within the Corporate Limits of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person having command, charge or control as chauffeur, engineer, conductor or otherwise of any automobile or other motor vehicle or car, propelled by steam, electricity, gasoline or other source of energy, to order, cause, drive, permit or suffer the same to run, be propelled, be driven, or to travel on any street, public way or driveway within the corporate limits of the City of Stockton at a rate of speed greater than eight miles per hour.

Sec. 2. This Ordinance shall take effect from and after final passage and approval.

ORDINANCE No. 348.

(Approved July 28, 1903.) O. B. 6—348.

An Ordinance Prohibiting Any Person From Hauling or Running Any Vehicle or Piece of Machinery Having Any Projections Attached To or Upon the Tire of Any Wheel or Wheels Thereof, Along, Across, Over or Upon the Streets, Avenues, Roadways, Driveways, Public Ways or Thoroughfares Within the Corporate Limits of the City of Stockton, Which Have Been Improved by Paving With Asphalt, Bitumen or Similar Paving Substance.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person to drive, pull, draw, haul, run, propel or convey, by any means whatsoever, along, across, over or upon any street, avenue, roadway, driveway, public way or thoroughfare, within the corporate limits of the City of Stockton, which has been improved, or that is in course of improvement, by paving with asphalt, bitumen, basalt, or any similar paving substance or substances, any harvester, traction engine or any similar piece of machinery, or any vehicle having attached to or upon the tire of any wheel or wheels thereof, or having attached to or upon the tire of any extension or extensions of any wheel or wheels thereof, any growser or growsers, grab or grabs, cleat or cleats, toe or toes, flange or flanges, or any similar projection or projections, of any size or kind whatsoever, which extend beyond the traveling or bearing surface of the tire of any wheel or wheels thereof, or of any extension or extensions of any wheel or wheels thereof.

Sec. 2. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 355.

(Approved November 24, 1903.) O. B. 6—367.

An Ordinance Amending Section 26 of Ordinance No. 53, Relating to the Offense of Misdemeanor—Specifying Acts and Omissions Which, Within the City of Stockton, Constitute the Same, and Giving the Penalties Therefor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section twenty-six (26) of Ordinance No. 53, relating to the offense of misdemeanor; specifying acts and omissions which, within the City of Stockton, constitute the same, and giving the penalties therefor, is hereby amended to read as follows:

Section 26. It shall be unlawful and a misdemeanor to drive, or cause to be driven, any number greater than two of loose sheep, hogs, goats, horses, mules or horned cattle on or along any street, avenue, public way, public square or public place in the City of Stockton; provided, that any number of said animals may, under the care of persons sufficient in number, skill and diligence to control the same, be driven on and along the following-named public ways and parts thereof: North street, East street from North street to south line of Worth street; Worth street, from East street to west line of Ophir street; Ophir street, from Worth street to south line of Anderson street; Anderson street, from Ophir street to west line of Pilgrim;

Pilgrim street from Anderson to South; South street, Center street from South street to Stockton Channel; Weber avenue and Levee, from West street to east line of El Dorado street; El Dorado street, from south line of Weber avenue to north line of Channel street; Channel street and Commodore's Levee, from El Dorado street to westerly point of Commodore's Levee; Lafayette street, from East street to way of Western Pacific Railroad on Sacramento street.

Sec. 2. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 357.

(Approved December 21, 1903.) O. B. 6—371.

An Ordinance Prohibiting Persons From Engaging in Selling Pools or Bookmaking, or Making Bets or Wagers on Horse Races Wherein Money or Other Articles of Value Are Staked or Pledged, or in the Placing of Money for Such Purposes by Carriers, Agents, Brokers or Commissioners.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person upon any trial or contest of skill, speed or power of endurance between horses, shall, within the City of Stockton, sell any pool or pools, or make any book, list or memorandum for or on which money or other articles of value shall be received or entered up, listed or written, or receive any money or other article of value as a stake or pledge, upon the happening or non-happening of any event; or sell, issue or dispose of any ticket, certificate or other evidence of payment, on which shall be inscribed, written, marked or printed any number, name, word or mark, or anything to designate the choice selected, received or accepted by any other person to entitle or enable the said person holding the said ticket, certificate or other evidence of payment, to gain or lose on any contingent issue; or receive any money, or any article of value, or anything representing money or any article of value, as a bet, wager or hazard, upon the event of any contest or contingent issue, or as a stake or pledge between two or more parties, or to disburse the said money, or any portion of the said money, or anything representing money or other article of value, upon any representation or condition, or in conformity to or with any express or tacit understanding or agreement, or receive any money, or article of value, or representative of money or article of value, in any capacity whatsoever, for the purpose of taking or sending the same to any fair or race track inclosure, either within or without this State, where such contest of skill, speed or power of endurance is being held, to be registered, placed, wagered or bet at such fair, or within said track or inclosure, upon the result of such contest of skill, speed or power of endurance of such horses there being held or carried on.

Sec. 2. No person shall knowingly lease or rent or allow to be occupied or used any building, structure, room, apartment, place or any premises whatever situate within the City of Stockton for the purposes specified, mentioned and prohibited in Section 1 of this Ordinance.

Sec. 3. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor, and upon conviction shall be punished as provided in Section seventy-four (74) of Ordinance No. 53 of the Ordinances of the City of Stockton.

Sec. 4. This Ordinance shall take effect and be in force thirty days from and after its final passage and approval.

ORDINANCE No. 360.

(Approved January 12, 1904.) O. B. 6—382.

An Ordinance Amending Section 21 of Ordinance No. 53, Relating to the Offense of Misdemeanor, Specifying Acts and Omissions Which, Within the City of Stockton, Constitute the Same, and Fixing the Penalties Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 21 of Ordinance No. 53, relating to the offense of misdemeanor, specifying acts and omissions, which, within the City of Stockton, constitute the same, and fixing the penalties thereof, is hereby amended to read as follows:

Section 21. It shall be unlawful and a misdemeanor for any person:

1. To construct, place or cause to be constructed or placed, any bay or oriel window, swell front or any similar structure projecting over the line of any public street or way which so projects more than three feet or exceeds eight and one-half feet in width, or is at the base or bottom thereof less than thirteen feet vertically above the official grade of such street or way; or to construct, place, or cause to be constructed or placed any such window, front or structure which projects at all over the line of a public street or way without first having a permit to so do from the City Council approved by the Mayor.

2. To suspend or place, or, being owner or occupant of any premises, to suffer or permit to remain suspended or placed from or on said premises, over, above or across any street, sidewalk or other public way, any sign, placard, banner or advertisement. But the foregoing provisions shall not apply to any temporary display on any holiday, election day or occasion of public parade, or to any lettering on the globe, shade or other ordinary inclosure of any gas or electric lamp, when the same shall have been suspended or placed safely and securely to the satisfaction of the Superintendent of Streets, and when, in the case of such temporary display, the same shall not have been by the Superintendent of Streets ordered to be removed or taken down. Nor shall such provisions apply to a sign attached to a doorway, if the same does not project more than eighteen inches over and beyond the inner line of the sidewalk, and is not less than seven feet above the sidewalk. Nor shall the foregoing provisions apply to incandescent electric light signs not exceeding five feet in vertical dimensions, fastened to a metal frame, and extending over the sidewalk; provided no part of said sign shall be less than ten (10) feet above the sidewalk, nor project beyond the outer edge of the sidewalk; and further provided, that said sign and metal frame shall be attached to the building by means of suitable hinges or sockets in such a manner as will permit said signs to be swung back parallel to and against the building, and not project more than eighteen (18) inches from the face of the buildings or pillars against which said sign will be placed when swung back; and further provided that said incandescent electric light signs shall not be extended over or across the sidewalk except between the hours of 5 P. M. of one day and 8 A. M. of the next succeeding day, and shall be continuously illuminated when so extended. No incandescent electric light sign of

the above description shall be attached to any building until a written permit has been received from the Superintendent of Streets authorizing its erection.

Sec. 2. This Ordinance shall be in force and effect from and after its final passage and approval.

ORDINANCE No. 373.

(Approved June 28, 1904.) O. B. 7—7.

An Ordinance Amending Section 2 of Ordinance No. 53, Relating to the Offense of Misdemeanor, Specifying Acts and Omissions, Which, Within the City of Stockton, Constitute the Same, and Fixing the Penalties Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Section 2 of Ordinance No. 53, relating to the offense of misdemeanor, specifying acts and omissions, which, within the City of Stockton, constitute the same, and fixing the penalties thereof, is hereby amended so as to read as follows:

Section 2. It shall be unlawful and a misdemeanor for any person:

1. To fire, shoot or discharge, within the limits of the City of Stockton, any bow, airgun or other device whereby a shot, bullet or other missile is projected; or to fire, shoot or discharge within the limits of the City of Stockton, any pistol, gun, rifle, firearm, cannon, anvil or other device loaded with powder or other explosive, whereby a shot, bullet or other missile is projected; or to fire, shoot or discharge, within the limits of the City of Stockton, any pistol, gun, rifle, firearm, cannon, anvil or other device whereby any cartridge or blank cartridge or explosive cap of any description is exploded, shot, fired or discharged; provided that, with the written permission of the Mayor first had, cannon or anvils may be discharged at any such point as is in such permission specified, and that any person may, within or upon his own inclosure, shoot dangerous or destructive beasts.

2. To fire, discharge or set off, within the limits of the City of Stockton, any cracker, rocket, bomb, torpedo, squib, chaser, Roman candle or any other kind of fireworks, except on legal holidays, fete days or occasions of public parade, or on such other days as may be permitted by a written permission of the Chief of Police first had and obtained, and only at such place or places as may be in such permission specified; provided, however, that, in any event, the firing, discharging or setting off of any fireworks shall be in compliance with and under such rules, regulations and restrictions as may be hereafter provided and established by the Board of Police and Fire Commissioners of the City of Stockton.

Sec. 2. This Ordinance shall be in force and effect from and after its passage and approval.

ORDINANCE No. 382.

(Approved November 16, 1904.) O. B. 7—22.

An Ordinance Prohibiting the Cutting Down or Removal of Trees in Any of the Public Streets or Squares of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful for any person or persons to cut

down, remove or mutilate any tree or trees growing upon any of the streets or public squares of the City of Stockton, except by permission from the Board of Public Works.

Sec. 2. Any person violating this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 3. This Ordinance shall take effect immediately upon its passage and approval.

ORDINANCE No. 393.

(Approved June 3, 1905.) O. B. 7—44.

An Ordinance Prohibiting the Keeping of Hogs, Shoats or Pigs Within the Limits of the City of Stockton, Providing a Penalty Therefor, and Making Exceptions in Case of Hogs, Shoats and Pigs in Transportation Through the City.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person, firm or corporation to keep in any sty, pen or other inclosure, or to have in his. their or its possession, within the limits of the City of Stockton, any live hog or hogs, shoat or shoats, pig or pigs; provided, however, that it shall not be unlawful under the provisions of this Ordinance to transport or carry through the City of Stockton any hog or hogs, shoat or shoats, pig or pigs; provided, that any hog or hogs, shoat or shoats, pig or pigs, being transported or carried through the City of Stockton, shall not remain within the limits of the City of Stockton for a longer period of time than twenty-four hours from the time of entry thereof into the said city.

Sec. 2. Any person violating any of the provisions of this Ordinance shall be guilty of a misdemeanor and upon conviction shall be punished as provided in Section 74 of Ordinance No. 33 of the Ordinances of the City of Stockton.

Sec. 3. This Ordinance shall take effect from and after its passage and approval.

ORDINANCE No. 409.

(Approved March 13, 1906.) O. B. 7—69.

Requiring Lights to Be Placed on Obstructions in Public Streets.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every person, firm or corporation by whom or under whose immediate direction or authority, either as principal, contractor or employer, any portion of any public street may be made dangerous by the placing of any obstruction therein, must, so long as said danger may continue, place and maintain on such obstruction sufficient light or lights during every night from sunset until daylight, to warn persons of the presence of such obstruction.

Sec. 2. Any person, firm or corporation violating the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 3. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 411.

(Approved March 30, 1906.) O. B. 7—74.

An Ordinance Prohibiting Any Person, Firm or Corporation From Erecting Any Building or Structure, or Adding to or Extending Any Building or Structure Already Erected in the City of Stockton, Without First Obtaining a Permit From the City Clerk, Paying a Fee for Such Permit; Requiring the City Clerk to Keep a Record of Such Applications and Permits; Providing for the Issuance of Permits Within the Fire Limits of the City; Requiring the City Clerk to File a Report With the City Council; Providing for the Repeal of Ordinances in Conflict Herewith, and Fixing a Penalty for the Violation of This Ordinance.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every person, firm or corporation, either as owner, agent, builder or architect, shall not erect or cause to be erected any building or structure, or add to, enlarge or extend, or cause to be added to, enlarged or extended, any building or structure already erected in the City of Stockton, without first obtaining a permit therefor from the City Clerk.

The application for such permit shall be made upon blanks furnished by the City Clerk for that purpose, and shall state the exact location of said building or structure to be erected, the material to be used in such construction, and the estimated cost of said proposed building or structure.

Sec. 2. The City Clerk, upon filing such application for such permit, shall issue to the person applying therefor a permit, and shall keep a record of all applications and issuances of such permits, and must charge and collect from the person to whom such permit is issued a fee as provided herein, and pay all moneys so collected into the City Treasury.

If the estimated cost of said building or structure, or alterations, shall be less than $500, a fee of 50 cents.

If the estimated cost is $500 or more and less than $1,000, a fee of $1.00.

If the estimated cost is $1,000 or more and less than $5,000, a fee of $2.00.

If the estimated cost is $5,000 or more and less than $10,000, a fee of $5.00.

And the sum of $1.00 for every $5,000 or fraction thereof in excess of $10,000.

Sec. 3. The City Clerk shall not issue a permit to any person for the construction, alteration or repair of any building or structure within the fire limits of this city until he first shall have received from the Chief Engineer of the Fire Department a certificate setting forth the fact that the applicant has complied with the laws and Ordinances relative to the construction, alteration and repair of buildings or structures within the fire limits of the City of Stockton.

The City Clerk shall keep a record of the cost of all such buildings or repairs, and shall file with the City Council on the first Monday of January of each year a report setting forth the number of buildings and repairs made during the preceding year and the location and cost of same.

Sec. 4. Any person violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 5. All Ordinances and parts of Ordinances in conflict with this Ordinance are hereby repealed.

Sec. 6. This Ordinance shall take effect and be in force from and after its passage and approval.

ORDINANCE No. 412.

(Approved March 30, 1906.) O. B. 7—76.

An Ordinance Requiring All Persons, Companies or Corporations Owning and Operating or Operating Railways of All Kinds Within the City of Stockton, to Keep That Part of the Streets Occupied by Their Track or Tracks, and for Two Feet on Each Side Thereof, Sprinkled Sufficiently to Keep the Same Free From Dust, and Permitting the Use of Oil for That Purpose in Certain Cases; Prescribing the Powers and Duties of the Superintendent of Streets in Relation Thereto, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be the duty of any person, company or corporation owning and operating or operating cars on or over any railway track or tracks on any public street or streets in the City of Stockton to sprinkle the surface of each street occupied or used by said track or tracks between the rails and for two feet on each side thereof, and between the tracks if there be more than one track, in such manner as at all times when cars are being operated over such track or tracks effectually to keep the dust laid on that part of the surface of such street lying between said rails, and within two feet on each side thereof, and between said tracks.

Sec. 2. The sprinkling herein prescribed shall be done with water, and at such time or times during the day or night as directed and prescribed by the Superintendent of Streets; provided, that any such person, company or corporation may, with the written permission and under the direction of said Superintendent of Streets, use oil for sprinkling the whole or any portion of said track or tracks, and of said space between said tracks and on each side thereof.

Sec. 3. It shall be the duty of the Superintendent of Streets to enforce the strict observance of this Ordinance.

Sec. 4. Any person, company or corporation owning and operating or operating railways of any kind within the City of Stockton who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 5. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 416.

(Approved June 12, 1906.) O. B. 7—82.

An Ordinance Prohibiting the Delivery or Deposit of Drugs, Medicines, Antiseptics, Disinfectants, Cosmetics, Either for Internal or External Use, Upon the Doorstep or Premises of Another, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person, firm or corporation, by him or themselves, his or their servant or agent, or as the servant or agent of any person,

firm or corporation, shall leave, throw or deposit upon the doorstep or premises owned or occupied by another, or deliver to any child under fourteen years of age, any patent or proprietary medicine, or any pill, cosmetic, disinfectant, antiseptic, or any drug or medicine that contains poison or any ingredient that is deleterious to health, as a sample, or in any quantity whatever, for the purpose of advertising.

Sec. 2. The term drug, medicine, patent or proprietary medicine, pill, powder, cosmetic, disinfectant or antiseptic used in this Ordinance shall include all remedies for internal or external use, either in package or bulk, simple, mixed or compound.

Sec. 3. Any person, firm or corporation violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 4. This Ordinance shall take effect and be in force from and after its passage.

ORDINANCE No. 420.

(Approved June 26, 1906.) O. B. 7—93.

An Ordinance Prohibiting the Obstruction of Sidewalks or Streets by Bushes or Hedges, and Prohibiting the Growth and Existence of Weeds Upon Sidewalks and Premises, and Prohibiting the Depositing or Accumulating of Rubbish and Other Substances on Streets and Premises, and Declaring Certain Acts to Be a Misdemeanor.

Section 1. The growth or existence upon the sidewalk of any public street, or upon any premises abutting thereon, of bushes or hedges, which in any manner interfere with or obstruct the passage of pedestrians or vehicles along such sidewalk or street, and the growth or existence upon the sidewalk space of any public street or upon any premises abutting thereon of weeds which by decaying or burning might endanger health or property, and the depositing or accumulation of rubbish, trash, garden refuse, tree trimmings, ashes or tin cans upon premises, are each hereby declared to be a nuisance.

Sec. 2. Whenever any bush or hedge upon the sidewalk of any public street, or upon any premises abutting thereon, interferes with or obstructs the passage of pedestrians or vehicles along such sidewalk or street, the Park Commission shall cause written notice to be given by the Chief of Police to the owner, tenant or person having charge or control of the premises on or in front of which such bush or hedge is situated to abate such interference or obstruction by trimming or removing such bush or hedge, and it shall be unlawful for such owner, tenant or person having charge or control of said premises to neglect or fail to abate such nuisance by trimming or removing such bush or hedge within five days after service on him of said notice.

Sec. 3. Whenever there shall be growing or existing upon the sidewalk of any public street or upon the premises abutting thereon any weeds which, by decaying or burning, might endanger health or property, the Chief of Police shall give written notice to the owner, tenant or person having charge or control of the premises on or in front of which such weeds are growing to remove such weeds, and it shall be unlawful for such owner, tenant or person having charge or control of such premises to fail or neglect to remove such weeds from such sidewalk or premises within five days after service on him of said notice.

Sec. 4. Whenever there shall be growing or existing upon any premises any weeds which, by decaying or burning, might endanger

health or property, within 150 feet of any residence or wooden building or structure, the Chief of Police shall give written notice to the owner, tenant or person having charge or control of said premises to remove such weeds. and it shall be unlawful for such owner, tenant or person having charge or control of said premises to neglect or fail to remove such weeds therefrom within five days after service on him of said notice.

Sec. 5. It shall be unlawful for any person to throw or deposit any rubbish, trash, garden refuse, tree trimmings, ashes or tin cans, or any other offensive or nauseous substances upon any streets or premises within this city.

Whenever any rubbish, trash, garden refuse, tree trimmings, ashes, tin cans, or other offensive or nauseous substances shall have been thrown or deposited upon any street or premises in this city, or shall have accumulated thereon, the Chief of Police shall give written notice to the owner, tenant or person having charge or control of said premises to remove therefrom the substances so deposited or accumulated, and it shall be unlawful for the owner, tenant or person having charge or control of said premises to neglect or fail to remove therefrom said rubbish, trash, garden refuse, tree trimmings, ashes, tin cans or other offensive or nauseous substances within five days after the service upon him of said notice.

Sec. 6. Any person or persons who shall violate any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor.

Sec. 7. All Ordinances and parts of Ordinances in conflict herewith are hereby repealed.

Sec. 8. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 433.

(Approved November 27, 1906.) O. B. 7—125.

An Ordinance Regulating the Granting of Permission to Do Street Work by Private Contract, and Providing the Manner in Which the Same Shall Be Done, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person, company or corporation shall construct or cause to be constructed by private contract any sidewalk, nor the sewering, grading, graveling, oiling, curbing, guttering, macadamizing or paving of any public street or streets, or portion of any public street, within the City of Stockton, without first having had and obtained permission for the performance of said work from the City Council.

Sec. 2. No permission to perform any street work by private contract shall be granted, or if granted shall be valid, unless the person, company or corporation applying for the same shall have first presented to the City Council for approval an application to have such proposed work done by private contract and the plans and specifica-

tions therefor prepared or approved by the City Engineer, and with the approval of the City Engineer indorsed thereon. If the City Council are satisfied therewith, a permit may be granted to such person, company or corporation to do said work, and thereupon the contract entered into between the contractor and such person, company or corporation shall be filed with the Superintendent of Streets before work is commenced, which said contract shall provide for the completion of the work within a specified time (which time may be extended by the City Council) in conformity with the said plans and specifications.

Sec. 3. All street work done by private contract shall be commenced within fifteen days after the filing of the contract, and shall be done in accordance with said plans and specifications, to the line and grade established by the City Engineer, and shall be to the satisfaction of the Superintendent of Streets and the City Council. Said work shall be prosecuted with diligence to completion, and for failure or neglect to comply with this Ordinance the said permit may be revoked by the City Council.

Sec. 4. 1. Upon completion of any of the work specified in such private contract, the contractor shall secure from the City Engineer the Engineer's certificate, which shall state that the work has been done to the established lines and grades.

2. From the Superintendent of Streets a certificate, which shall state that the work done has been done in conformity with the contract and plans and specifications and to the satisfaction of the Superintendent of Streets.

3. Said certificates shall be presented to the City Council, and if satisfied that the work has been done in accordance with said certificates, the said Council may accept the same in the manner by law provided.

Sec. 5. The City Engineer shall receive for the services performed by him, in connection with private contracts for which permit is granted pursuant to the terms of this Ordinance, the same fees as are now allowed or that may hereafter be allowed by Ordinance for engineering work done in connection with contracts for similar work under the general laws of the State of California.

Sec. 6. The Street Superintendent shall collect all fees due for printing, engineer's fees, or other costs allowed by law or Ordinance, and shall not issue to the contractor his certificate hereinbefore provided for until all the fees above mentioned are paid.

Sec. 7. Any contractor, person, company or corporation who shall collect money or attempt to collect money for work done under any private contract granted pursuant to the terms of this Ordinance before the issuance of the certificates of the City Engineer and the Street Superintendent, as hereinbefore provided for, or who shall violate or attempt to violate any of the provisions of this Ordinance, shall be deemed guilty of a misdemeanor, and shall be denied the privilege of thereafter doing any kind of street work in the City of Stockton.

Sec. 8. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 439.

(Approved February 25, 1907.) O. B. 7—137.

An Ordinance to Enable the City Council of This City to Obtain Data and Information From Any Corporation, Company or Person Supplying This City or Its Inhabitants Either With Gaslight or Other Illuminating Light, or With Gas or Electricity, for Power, Heating, Cooking or Other Purposes, and Requiring the Said City Council to Perform the Duties Prescribed by Section 19 of Article 11 of the Constitution of the State of California and the Charter of This City, and Prescribing Penalties for the Non-Performance of Such Duties.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. The City Council of this city are hereby authorized and empowered, and it is made their official duty, to annually fix the rates that shall be charged and collected by any person, company, association or corporation, for either gaslight or other illuminating light, or for gas or electricity furnished to this city or the inhabitants thereof, for power, heating, cooking or other purposes. Such rates shall be fixed by Ordinance at a regular or special meeting of said City Council held during the month of April of each year, and shall take effect on the first day of July thereafter, and shall continue in full force and effect for the term of one year, and no longer.

Sec. 2. The City Council of this city are hereby authorized, and it is hereby made their duty, at least thirty days prior to the fifteenth day of March of each year, to require, by Ordinance or by resolution, any corporation, company or person supplying gaslight or other illuminating light, or gas or electricity, for power, heating, cooking or other purposes, to this city, or to the inhabitants thereof, to furnish to said City Council, in the month of March of each year, a detailed statement, verified by the oath of the President and Secretary of such corporation or company, or of such person, as the case may be, showing the name of each rate payer, for gas or electricity used for light, power, heating, cooking or other purposes, his or her place of residence, and the amount paid for such gas or electricity by each of such rate payers, during the year preceding the date of such statement, and also showing all revenue derived from all sources, and an itemized statement of expenditures made for supplying gas or electricity during said time.

Sec. 3. Accompanying the first statement made as prescribed in Section 2 of this Act, every such corporation, company or person shall furnish a detailed statement, verified in like manner as the statement mentioned in Section 2 hereof, showing the amount of money actually expended annually, since commencing business, in the purchase, construction and maintenance, respectively, of the property necessary to the carrying on of its business, and also the gross cash receipts annually, for the same period, from all sources.

Sec. 4. Every corporation, company or person who shall refuse or neglect to furnish the statements mentioned in Sections 2 and 3 of this Act, or either of them, or who shall furnish any false statement in relation thereto, within thirty days after having been required or requested to furnish the same, as prescribed in Sections 1, 2 and 3 of this Act, shall be deemed guilty of a misdemeanor.

Sec. 5. Upon receiving the statements provided for in Sections 2 and 3 of this Act, the City Council of this city shall cause a copy thereof to be made and filed in the office of the City Clerk of this city.

Sec. 6. Rates for the furnishing of gas or electricity for any of the purposes named herein shall be equal and uniform. There shall be no discrimination made between persons, or between persons or corporations, or as to the use of gas or electricity for private and domestic and public or municipal purposes.

Sec. 7. Any person, company, association or corporation charging or attempting to collect from persons, corporations, or from this city, using gas or electricity for any of the purposes mentioned herein, any sum in excess of the rate fixed, as hereinbefore designated, shall, upon the complaint of the City Council of this city, or any rate payer for gas or electricity, and upon the conviction before any court of competent jurisdiction, forfeit the franchises and gas or electric works of such person, company, association, or corporation, to the City of Stockton, wherein the said gas or electricity is furnished and used.

Sec. 8. Any City Council of this city which shall fail or refuse to perform any of the duties prescribed by this Act at the time of and in the manner hereinbefore specified, shall be deemed guilty of malfeasance in office, and upon conviction thereof, at the suit of any interested party, in any court of competent jurisdiction, shall be removed from office.

Sec. 9. This Ordinance shall take effect and be in force from and after its final passage and approval.

ORDINANCE No. 451.

(Approved September 18, 1907.) O. B. 7—167.

An Ordinance Prohibiting Interference With Gates, Ropes, Lines and Other Appliances for Protecting Street Paving Work, and Prohibiting Going Upon or Traveling Over Street Paving Work While Streets are Under Construction or Repair, and Providing a Penalty for Violation Thereof.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful for any person to interfere with gates, ropes, lines and other appliances in position for protecting street paving, or street repair work, or to go upon or travel over street paving or street repair work when gates, ropes, lines and other appliances are in position for the protection of such street construction or repair work when such work is being carried on and before the completion thereof, and any person who shall at any time remove, pass through or destroy any gates, ropes, lines or other appliances in position for protecting street paving or street repair work, or who shall go upon or travel over street paving or street repair work while street surfaces or any part thereof are under construction or repair with gates, ropes, lines and other appliances for protecting the same in position, shall be guilty of misdemeanor.

Sec. 2. Every person convicted of a violation of this Ordinance shall be punished by a fine of not less than $5.00 nor more than $100, or by imprisonment of not less than five days nor more than thirty days, or both such fine and imprisonment.

Sec. 3. This Ordinance shall be in full force and effect from and after its passage.

ORDINANCE No. 461.

(Approved December 16, 1907.) O. B. 7—181.

An Ordinance Regulating the Conveyance of Naphtha, Kerosene and Other Products of Petroleum Through the Public Streets in Wagons, Tanks, Cans or Other Vehicles, Over and Along Asphalt and Bituminous Rock Pavements, and Providing Generally for the Protection of Public Streets Paved With Asphalt or Bituminous Rock Pavements.

Whereas, In the conveyance of naphtha, kerosene and other products of petroleum through the public streets in wagons, tanks, automobiles and other vehicles, the said liquid substances are grossly or negligently allowed to leak and drip upon asphalt and bituminous rock pavements; and,

Whereas, Naphtha, kerosene and other products of petroleum are perfect solvents of bitumen and asphalt, and the deposit of any of the said products on asphalt or bituminous rock pavements ruin and destroy said pavements;

Therefore, be it ordained by the City Council of the City of Stockton as follows:

Section 1. No person or persons, firms or corporations shall deposit, or cause or allow to be deposited, upon any public street paved with asphalt or bituminous rock, naphtha, kerosene or any other product of petroleum, or shall convey, or cause to be conveyed, through said public streets so paved, any naphtha, kerosene or other products of petroleum, in any tank, can or other vessel, whereby the same leaks upon or is deposited upon the said designated pavements.

Sec. 2. All wagons or vehicles used for the purpose of delivering naphtha, kerosene or any other product of petroleum, shall have a tray, so constructed and attached to said wagon or vehicle, that the contents will not leak or drop on or upon said asphalt or bituminous pavements, and all persons delivering any of said products of petroleum shall have tight tanks, cans or other vessels for the conveyance of the same.

Sec. 3. No person, firm or corporation shall cause or allow any fire to be set or burned on any of the asphalt or bituminous rock pavements within the limits of the City of Stockton.

Sec. 4. All brick, stone, structural iron and steel, or other building material, except lumber, must not be placed upon asphalt or bituminous rock pavements, but must be placed and rest upon planks of not less than what are commonly called and known as two-inch planks.

Sec. 5. All mortar, plaster, cement or concrete, mixed on asphalt or bituminous rock pavements, must be mixed in water-tight boxes on such streets and stored for use on planks commonly known and called two-inch planks.

Sec. 6. All slacking of lime on asphalt or bituminous rock pavements must be done in water-tight boxes set on not less than four inches of sand.

Sec. 7. All persons, firms or corporations conveying or causing to be conveyed through the public streets of this city so paved any naphtha, kerosene or other products of petroleum, in any wagon, vehicle, automobile, tank or other vessel, shall be allowed ten (10) days from and after the final passage and approval of this Ordinance in which to comply with the terms of this Ordinance.

Sec. 8. Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor.

Sec. 9. This Ordinance shall take effect from and after its final passage and approval, except as in Section 7 herein provided.

ORDINANCE No. 460.

(Approved December 16, 1907.) O. B. 7—180.

An Ordinance Requiring the Owners or Those in Control of Railways Operating Within the Corporate Limits of the City of Stockton to Station Flagmen, or Place Sufficient Warning Signals, or Signal Bells, at Such Street Crossings as May Be Designated by Resolution of the City Council, and Declaring Certain Acts to Be a Misdemeanor.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. Every person, firm or corporation owning or operating cars or trains of cars within the limits of the City of Stockton, shall station flagmen or place sufficient warning signals or signal bells at such street crossings within the limits of this city, and in such manner and at such times as the City Council of this city may from time to time, by resolution duly passed and adopted, designate.

Sec. 2. Any violation of the provisions of this Ordinance shall be a misdemeanor.

Sec. 3. This Ordinance shall take effect from and after its final passage and approval.

ORDINANCE No. 465.

(Approved April 13, 1908.) O. B. 7—187.

An Ordinance Prohibiting the Placing of Advertising Signs on Trees, Telegraph, Telephone or Electric Light Poles or Masts or Lamp Posts, Fences, Bridges, Sidewalks or Roadways, Within the Corporate Limits of the City of Stockton.

Be it ordained by the City Council of the City of Stockton as follows:

Section 1. It shall be unlawful and a misdemeanor for any person, firm or corporation to post, paint, affix or fasten, or cause to be posted, painted, affixed or fastened, on any tree, telegraph, telephone or electric light or electric current pole, or mast, or upon any lamp-post, or upon any fence or bridge within the corporate limits of the City of Stockton, or on the sidewalk or roadway of any public street, any advertising bill, notice, card, sign or advertising device.

Sec. 2. Every person, firm or corporation or business representative thereof, named in, or authorizing the publication of any advertising bill, notice, card, sign or advertising device, which now is posted, painted, affixed or fastened on any tree, telegraph, telephone, electric light or electric current pole, or mast, or lamp-post, or on any fence or bridge within the corporate limits of the City of Stockton, or on the sidewalk or roadway of any public street, must immediately remove or cause the same to be removed therefrom.

Sec. 3. Any person, firm or corporation violating the provisions of this Ordinance shall be guilty of a misdemeanor.

Sec. 4. This Ordinance shall take effect and be in force from and after its final passage and approval.

INDEX TO STATUTES

AND

CATALOGUE

OF

ORDINANCES

SPECIAL STATUTES RELATING TO STOCKTON.

Agreement with R. B. Lane ratified ..... 1877-8—201
Artesian Well—Appropriation for ..... 1856— 48
Assessor—Conferring powers on ..... 1877-8— 65
Board of Education—Establishing ..... 1865-6—447
Bonds—Issuance of in lieu of scrip ..... 1855— 71
Bonds—Issuance of, redemption 1873 ..... 1871-2—310
Bonds—For redemption of others ..... 1875-6—471
Bonds—Reissue authorized ..... 1865-6—317
Canal—Construction authorized ..... Supplement 1869-70— 15
Caruther's Franchise Columbia Road ..... 1854—154

Charters—

1. 1852—211. Amended 1853—74.
2. 1857—133. Amended 1857—197, and 1859—72.
3. 1862—314. Amended 1865-6—598, and 1869-70—24.
4. 1869-70—587.
5. 1871-2—595. Amended 1873-4—193, 439.
6. 1875-6—523.
7. 1877-8—220.
8. 1889—577. Approving Freeholders' Charter.
9. 1905-6—832. Amending Freeholders' Charter of 1889.

Claims against Town Council ..... 1851—326
Delinquent Taxes—1863—574, and 1865-6—95 ..... Repealed 1869-70—621
Gas—Contract ratified ..... 1877-8—170
Graveyards—Removal of remains ..... 1862—140
Hutchinson, C. A.—Allowance of claim ..... 1859—240
Justice of the Peace—Transfer of papers ..... 1863-4—187
Ladies' Benevolent Association—Appropriation, 1871-2—748, 1873-4—897 ..... 1877-8—1009
Levees—Construction of ..... 1875-6— 12
Meyers—Claim of ..... 1873-4—852
Mormon Slough—Improvement of ..... 1871-2—540
St. Patrick's Church—Removal of human remains ..... 1858—133
Schools—Funds of ..... 1863—120
Schools—Funding of debt ..... 1871-2—557, 1873-4— 33
Schools—Money borrowed for ..... 1869-70—551
School Districts—Adjacent, property of ..... 1871-2—530
Stockton and Visalia Railroad Bond Election ..... 1869-70—551
Streets—Vacation of certain ..... 1863— 56
Teachers—Examination of ..... 1863—120

CATALOGUE OF ORDINANCES.

Numbers Following O. B. Refer to Volume and Pages of Record Book of Ordinances. The Marginal Numbers at the Extreme Right Refer to the Pages of This Volume.

Ordinance	Page
No. 1.—Duties and powers of certain officers. March 24, 1891. ----------O. B. 5— 60	39
No. 2.—Creating Board of Health and Health Officer. May 24, 1886----------O. B. 4—431 [Except Sections 1, 2 and 4, repealed by Ordinance No. 54.]	43
No. 3.—Number and compensation of employes in Fire Department. March 24, 1891----------O. B. 4— 55 [Repealed by Ordinance No. 221.]	
No. 4.—Compensation of city officers. April 30, 1891.O. B. 5—122 [Expired.]	
No. 5.—Compensation of City Surveyor for street work. December 11, 1889----------O. B. 4—602 [Indirectly repealed by Ordinance No. 114.]	
No. 6.—Establishing fire districts. January 31, 1890.O. B. 4—613	
No. 7.—Grades of curbs and gutters of streets. July 29, 1890. ----------O. B. 533	56
No. 8.—Grades and improvements of streets. April 9, 1891. ----------O. B. 5—105	61
No. 9.—Width of roadway, sidewalk space, sidewalk and tree space, and defining these terms. April 9, 1891. ----------O. B. 5—109	65
No. 10.—Line for wharves and bulkheads on Stockton Channel and Mormon Slough fixed by certain map. April 20, 1881----------O. B. 4—201	69
No. 11.—Closing Poplar street between Aurora and Sacramento, and Aurora street between Flora and Poplar. June 12, 1899----------O. B. 4—586	70
No. 12.—Conditionally accepting Main street between Grant and Commerce, and Commerce street between Main and Weber Levee. December 27, 1877--------O. B. 4—529	
No. 13.—Conditionally accepting Market street between Pilgrim and East. February 7, 1889----------O. B. 4—562	
No. 14.—Conditionally accepting California street between Market and Channel. August 27, 1889--------O. B. 4—594	
No. 15.—Conditionally accepting Weber avenue from California street to Hunter. June 10, 1889---------O. B. 4—580	
No. 16.—Conditionally accepting Center street between Market and Mormon avenue. February 4, 1891---O. B. 5— 44	
No. 17.—Conditionally accepting San Joaquin street between Main and Weber avenue. February 4, 1891.O. B. 5— 46	
No. 18.—Conditionally accepting Washington street between San Joaquin and Hunter. February 4, 1891----O. B. 5— 48	

Ordinance — Page

No. 19.—Municipal Licenses—Issue, rates and revocation. December 28, 1889.....O. B. 4—604
[Repealed by Ordinance No. 131.]

No. 20.—Use of Harbor and Wharves—Tonnage, harbor dues and wharf rates. March 24, 1891.....O. B. 5— 57
[Repealed by Ordinance No. 260.]

No. 21.—Issue, Sale and Redemption of Bonds—Improvement funds 1, 2, 3 and 4. July 29, 1890.....O. B. 5— 25 105

No. 22.—Rates of fare by hackmen and others. December 14, 1878.....O. B. 4—132 122

No. 23.—Running at Large of Animals—Duties and fees of Poundkeeper. March 1, 1890.....O. B. 4—620

No. 24.—Water rates for 1891. August 29, 1892.....O. B. 5—319

No. 25.—Numbering houses. January 27, 1879.....O. B. 4—136
[Repealed by Ordinance No. 144.]

No. 26—Franchise of Stockton and Copperopolis Railroad Company. November 25, 1870.....O. B. 3—515 137

No. 27.—Additional franchise of same. February 21, 1871.....O. B. 3—531 140

No. 28.—Franchise to Sposati and others for street railroad. March 17, 1873.....O. B. 3—580
[Surrendered December 28, 1891, by deed from Stockton Street Railroad Company, O. B. 4—240.]

No. 29.—Franchise to same. June 24, 1874.....O. B. 3—599
[Surrendered with Ordinance No. 28.]

No. 30.—Leave to Sposati and others to abandon certain franchises. June 20, 1874.....O. B. 3—601
[Surrendered with Ordinance No. 28.]

No. 31.—Franchise to Sposati and others for street railroad. October 6, 1874.....O. B. 3—606
[Surrendered with Ordinance No. 28.]

No. 32.—Franchise to Stockton Street Railroad Company. May 5, 1876.....O. B. 4— 91
[Surrendered with Ordinance No. 28.]

No. 33.—Leave to abandon certain franchises of Stockton Street Railroad Company. September 1, 1879..O. B. 4—168
[Surrendered with Ordinance No. 28.]

No. 34.—Franchise to extend track of Stockton Street Railroad Company. April 6, 1885.....O. B. 4—359
[Surrendered with Ordinance No. 28.]

No. 35.—Franchise to Stockton Street Railroad Company. March, 1887.....O. B. 4—359
[Surrendered with Ordinance No. 28.]

No. 36.—Franchise to Central Pacific Railroad Company for track, chiefly on Mormon avenue. June 21, 1877.....O. B. 4— 99 141

No. 37.—Franchise to Southern Pacific Railroad Company for switch on Sacramento street, between Sonora and Church. June 12, 1889.....O. B. 4—584
[Expired.]

No. 38.—Franchise to Southern Pacific Railroad Company for switch between a point 100 feet south of Taylor street and Scott's avenue. December 11, 1889..O. B. 4—600
[Expired.]

Ordinance		Page
No. 39.—Franchise to J. F. Miller and others for railroad track from Mormon avenue on a curve to a point 175 feet west of the southwest corner of Center street and Scott's avenue. April 3, 1878	O. B. 4—115	153
No. 40.—Franchise to San Joaquin Gas Company and the Stockton Gas Company. December 5, 1870	O. B. 3—523	
No. 41.—Franchise to Jerome Haas and others to lay gas pipes. December 27, 1887	O. B. 4—530	217
No. 42.—Franchise to Northern Natural Gas Company. February 12, 1889	O. B. 4—564	218
No. 43.—Franchise to Citizens' Natural Gas Company. April 16, 1891	O. B. 5— 70	220
No. 44.—Authorizing receipt and disposal of lands in blocks 9½ and 5, south of Mormon Channel. December 8, 1877. [See Stats. 1877-8, p. 201.]	O. B. 4—103	135
No. 45.—Providing for receipt of parts of blocks H, G, B, C, D and E, in Mormon Channel, and disposal of Scott's avenue between Hunter and American streets. March 17, 1879	O. B. 4—161	135
No. 46.—Exchange of lands with Doyle, Clifford and Fanning. April 20, 1881	O. B. 4—202	135
No. 47.—Accepting the north three feet of block 15, east, widening Main street. July 5, 1881	O. B. 4—204	70
No. 48.—Authorizing exchange of lands with H. K. Clifford. April 3, 1882	O. B. 4—241	135
No. 49.—Authorizing conveyance of land to A. Rivara. March 3, 1884	O. B. 4—301	135
No. 50.—Improvement of Washington Square. Agricultural Pavilion. March 9, 1887	O. B. 4—470	
No. 51.—Authorizing conveyance of land to J. D. Peters. October 17, 1887	O. B. 4—510	135
No. 52.—Authorizing purchase of block T, west of Center street. Pumping station. December 29, 1890	O. B. 5— 40	135
No. 53.—Relating to the offense of misdemeanor; specifying acts and omissions constituting the same and fixing penalties thereof. March 31, 1891	O. B. 5— 74	240
No. 54.—Codifying for publication the Ordinances. The general revision and renumbering upon the adoption of freeholders' Charter. April 29, 1891	O. B. 4—137	
No. 55.—Franchise to W. S. McMurtry, Jr., to lay water pipes. November 25, 1890	O. B. 5— 36	227
No. 56.—Levying taxes for 1891. May 29, 1891	O. B. 4—151	
No. 57.—Granting franchise to Central Pacific Railroad Company for track on Mormon Levee. May 14, 1891	O. B. 5—113	142
No. 58.—Incurring bonded indebtedness of $40,000 for improving channels. July 7, 1891	O. B. 4—154	108
No. 59.—Extending time for acceptance of franchise to Central Pacific Railroad Company. July 20, 1891	O. B. 5—162	
No. 60.—Regulating the running at large, license and impounding of dogs. July 20, 1891	O. B. 5—163	100
No. 61.—Franchise to Southern Pacific Company for railroad tracks on Weber Levee. August 20, 1891	O. B. 5—165	143
No. 62.—Authorizing construction of bulkhead on Stockton Channel. August 20, 1891	O. B. 5— 167	

Ordinance — Page

No. 63.—Franchise to John Jackson to lay gas pipes. September 1, 1891.....O. B. 5—174 221

No. 64.—Proposed franchise which was passed to print and then abandoned .....

No. 65.—Authorizing widening of Pilgrim-street bridge across Miner Channel. August 25, 1891.....O. B. 5—180

No. 66.—Authorizing purchase of hose for Fire Department. September 2, 1891.....O. B. 5—182

No. 67.—Authorizing construction of bulkheads on Miner Channel between Aurora and Stanislaus streets. September 29, 1891.....O. B. 5—184

No. 68.—Authorizing construction of bulkhead on Stockton Channel. September 22, 1891.....O. B. 5—186

No. 69.—Franchise to Southern Pacific Company for platforms on Sacramento street and Weber avenue. September 22, 1891.....O. B. 5—188 143

No. 70.—Amending Ordinance No. 19, concerning licenses. September 29, 1891.....O. B. 5—192
[Repealed by Ordinance No. 161.]

No. 71.—Authorizing transfer of money from Improvement Fund No. 1 to Improvement Fund No. 2. October 6, 1891.....O. B. 5—198

No. 72.—Authorizing erection and maintenance of chutes, bridges, etc., over and across public ways. October 26, 1891.....O. B. 5—200
[Amended by Ordinance No. 78.]

No. 73.—Franchise to Western Union Telegraph Company. October 9, 1891.....O. B. 5—206 224

No. 74.—Providing for appointment of an Acting Chief Engineer of the Fire Department. October 29, 1891. O. B. 5—211
[Repealed by Ordinance No. 221.]

No. 75.—Franchise to the Central Natural Gas Company. October 29, 1891.....O. B. 5—213 223

No. 76.—Amending Section 48 of Ordinance No. 53. October 29, 1891 .....O. B. 5—218

No. 77.—Franchise to James A. Louttit. December 2, 1891. .....O. B. 5—222 199

No. 78.—Amending Ordinance No. 72 relating to chutes, bridges, etc., over public ways. December 29, 1891.O. B. 5—247

No. 79.—Employment of Earley & Prendergast as attorneys in matter of the Hazelton bequest. February 10, 1892. .....O. B. 5—251

No. 80.—Conditionally accepting Center street between Main and Weber avenue. February 10, 1892.....O. B. 5—254

No. 81.—Fixing water rates for 1892. February 24, 1892. .....O. B. 5—256

No. 82.—Providing for a Captain of Police. March 16, 1892. .....O. B. 5—261 53

No. 83.—Authorizing repair to Eureka Engine House. March 16, 1892 .....O. B. 5—263

No. 84.—Franchise to Sunset Telephone and Telegraph Company. March 29, 1892.....O. B. 5—265 225

No. 85.—Authorizing construction of bulkhead on Stockton Channel from Tule street eastward. March 29, 1892.....O. B. 5—275

Ordinance — Page

No. 86.—Amending Ordinance No. 19, concerning municipal licenses. April 12, 1892.....O. B. 5—277
[Repealed by Ordinance No. 134.]

No 87.—Authorizing the Stockton Electric Railroad Company to abandon parts of franchise granted by Ordinance No. 77. May 24, 1892.....O. B. 5—283

No. 88.—Franchise to the Stockton Electric Railroad Company. May 24, 1892.....O. B. 5—287 203

No 89.—Levying taxes for 1892. May 24, 1892.....O. B. 5—301

No. 90 —Authorizing construction of new bulkhead on south side of Mormon Channel between Beaver and Elk streets. June 24, 1892.....O. B. 5—305

No. 91.—Franchise to the Stockton Electric Railroad Company. August 1, 1892.....O. B. 5—307 203

No. 92.—Authorizing purchase of hose for Fire Department. August 29, 1892.....O. B. 5—317

No. 93.—Creating a salary fund and transferring money thereto. August 29, 1892.....O. B. 5—319

No. 94.—Accepting California street between Market and Lafayette. August 29, 1892.....O. B. 5—321

No. 95.—Authorizing payment of Earley & Prendergast. September 13, 1892.....O. B. 5—323

No. 96.—Accepting trust under will of W. P. Hazelton; providing for execution thereof, and dedicating property for library building. October 25, 1892.....O. B. 5—325 234

No. 97.—Franchise to Central Pacific Railroad Company. January 14, 1893.....O. B. 5—335 145

No. 98.—Regulating use of public sewers.....O. B. 5—341
[Vetoed by Mayor, December 19, 1892.]

No. 99.—Accepting Market street from Sacramento and Hunter. February 17, 1893.....O. B. 5—346

No. 100.—Authorizing the Stockton Electric Railroad Company to surrender certain franchises. January 9, 1893. .....O. B. 5—348

No. 101.—Regulating moving of houses along public ways. June 14, 1893 .....O. B. 5—357 72

No. 102.—Creating a salary fund and transferring money thereto. January 27, 1893.....O. B. 5—361

No. 103.—Accepting Hunter street between Market and Washington. February 17, 1893.....O. B. 5—363

No. 104.—Fixing water rates for 1893. March 6, 1893.O. B. 5—365

No. 105.—Franchise not finally passed.....O. B. 5—372

No. 106.—Authorizing construction of bridge on California street across Mormon Channel. March 15, 1893. O. B. 5—370

No. 107.—Concerning municipal licenses. Indefinitely postponed. .....O. B. 5—373

No. 108.—Prohibiting children under sixteen years of age from getting on or off certain vehicles in motion. March 27, 1893 .....O. B. 5—374 254

No. 109.—Regulating approaches and entrances to buildings. April 26, 1893.....O. B. 5—376
[Repealed by Ordinance No. 122.]

No. 110.—Authorizing construction of bulkhead in Stockton Channel. April 26, 1893.....O. B. 5—381

Ordinance — Page

No. 112.—Franchise to Central Pacific Railroad Company. May 26, 1893 ----------O. B. 5—383 147
No. 113.—Providing for a city census. May 6, 1893--O. B. 5—388
No. 114.—Fixing compensation of City Surveyor for street work. May 25, 1893----------O. B. 5—391 54
[Indirectly repealing Ordinance No. 5.]
No. 115.—Levying taxes for 1893. May 26, 1893----O. B. 5—394
No. 116.—Appropriation for bulkhead on Miner Channel. June 13, 1893 ----------O. B. 5—399
No. 117.—Authorizing construction of bulkhead on south side of Stockton Channel. May 29, 1893--------O. B. 5—401
No. 118.—Conditionally accepting American street from Market to Main. June 13, 1893----------O. B. 5—403
No. 119.—Conditionally accepting Hunter street from Market to Weber avenue. June 13, 1893----------O. B. 5—405
No. 120.—Conditionally accepting Sutter street from Main to Weber avenue. June 13, 1893----------O. B. 5—407
No. 121.—Creating a salary fund and transferring money thereto. June 29, 1893----------O. B. 5—409
No. 122.—Repealing Ordinance No. 109, regulating approaches to buildings. June 29, 1893----------O. B. 5—411
No. 123.—Fixing compensation of Chief of Police, Captain of Police and police officers. July 12, 1893--O. B. 5—413
[Statutory authority unconstitutional.]
No. 124.—Conditionally accepting California street from Lafayette to Mormon Channel. August 15, 1893-O. B. 5—415
No. 125.—Conditionally accepting San Joaquin street from Market to Main. July 26, 1893----------O. B. 5—418
No. 126.—Authorizing improvement of certain buildings. July 25, 1893 ----------O. B. 5—420
No. 127.—Accepting Sutter street from Channel to Weber avenue. July 25, 1893----------O. B. 5—422
No. 128.—Authorizing purchase of hook-and-ladder truck. August 15, 1893 ----------O. B. 5—424
No. 129.—Authorizing purchase of hose for Fire Department. August 15, 1893----------O. B. 5—426
No. 130.—Defining certain misdemeanors in relation to connecting privies, cesspools, drains, etc., with the street sewers, etc. September 1, 1893----------O. B. 5—428 260
No. 131.—Concerning municipal licenses. Not finally passed. ----------O. B. 5—431
No. 132.—Conditionally accepting California street from Channel to Park. October 10, 1893----------O. B. 5—432
No. 133.—Authorizing sale of city dredger. October 10, 1893. ----------O. B. 5—435
No. 134.—Concerning municipal licenses; issue, rates and revocation; prohibiting issue in certain cases. November 26, 1893----------O. B. 5—436 88
[Repealing Ordinances Nos. 19, 70 and 86. Sections 2 and 4 and Subdivisions 14 and 15 of Section 6, repealed by Ordinance No. 161.]
No. 135.—Conditionally accepting El Dorado street from Magnolia to Weber avenue. February 16, 1894. O. B. 5—447
No. 136.—Fixing water rates for 1894. February 27, 1894. ----------O. B. 5—450

Ordinance Page

No. 137.—Authorizing improvements of engine-house and purchase of hydrants. March 30, 1894.....O. B. 5—455

No. 138.—Levying taxes for 1894. June 2, 1894....O. B. 5—457

No. 139.—Authorizing purchase of coal. June 2, 1894.O. B. 5—463

No. 140.—Consent to purchase of lot 6, in block 87, east of Center street, by Board of Education. August 29, 1894.....O. B. 5—465 135

No. 141.—Authorizing purchase of hay. August 29, 1894.....O. B. 5—467

No. 142.—Authorizing fill behind the permanent bulkhead. September 24, 1894.....O. B. 5—469

No. 143.—Changing names of Beaver, Elk, Bear, Otter, Raccoon and Tule streets and Mormon avenue. February 18, 1895 .....O. B. 5—471 73

No. 144.—Providing for numbering entrances from public streets and repealing Ordinance No. 25. February 18, 1895. .....O. B. 5—473 73

No. 145.—Fixing water rates for 1895. March 5, 1895.O. B. 5—475

No. 146.—Ratifying action of Board of Public Works as to Otter-street bridge across Mormon Channel. March 5, 1895.....O. B. 5—478

No. 147—Authorizing purchase of coal. March 27, 1895.....O. B. 5—479

No. 148.—Amending Ordinance No. 3. Not finally passed.....O. B. 5—480

No. 149.—Levying taxes for 1895. May 28, 1895.....O. B. 5—482

No. 150.—Authorizing purchase of hook-and-ladder truck. May 28, 1895 .....O. B. 5—485

No. 151.—Franchise to California Telephone Association. June 18, 1895 .....O. B. 5—486
[Lapsed for want of acceptance.]

No. 152.—Franchise to San Francisco and San Joaquin Valley Railway Company. June 18, 1895.....O. B. 5—490 155

No. 153.—Providing for reconstruction of steamboat shed on south side of Stockton Channel. June 27, 1895.....O. B. 5—497

No. 154.—Amending Ordinance No. 53 by adding new section relating to driving certain animals in public ways. July 16, 1895.....O. B. 5—499

No. 155.—Authorizing grading approaches to Lincoln-street bridge across Mormon Channel. July 16, 1895.....O. B. 5—501

No. 156.—Authorizing construction of bulkheads along Mormon Channel at Lincoln street. July 16, 1895..O. B. 5—502

No. 157.—Authorizing purchase of hose for Fire Department. August 20, 1895.....O. B. 5—504

No. 158.—Franchise to Alameda and San Joaquin Railroad Company. August 30, 1895.....O. B. 5—505 158

No. 159.—Providing for construction of steamboat shed on north side of Stockton Channel. August 27, 1895.O. B. 5—514

No. 160.—Franchise to San Francisco and San Joaquin Valley Railway Company for track on Weber avenue east of Madison street. November 26, 1895.....O. B. 5—516 163

Ordinance — Page

No. 161.—Concerning places for the sale of intoxicating liquors, etc. Repealing Ordinances Nos. 19, 70 and 86, and Sections 2 and 5, and Subdivisions 14 and 15 of Section 6 of Ordinance No. 134. October 15, 1895 ..... O. B. 5—520
[Repealed by Ordinance No. 165.]

No. 162.—Amending Section 28 of Ordinance No. 53. November 12, 1895 ..... O. B. 5—537, 539

No. 163.—Establishing an urgent necessity fund. November 29, 1895 ..... O. B. 5—539 54

No. 164.—Conditionally accepting Commerce street from Acacia to Willow. December 13, 1895 ..... O. B. 5—541

No. 165.—Concerning places for the sale of intoxicating liquors, etc. (License Ordinance). Repealing Ordinance No. 161. December 13, 1895 ..... O. B. 5—543

No. 166.—Prohibiting pool selling, book making and certain wagers on horse races. February 13, 1896 ..... O. B. 5—557
[Repealed by Ordinance No. 166.]

No. 167.—Fixing water rates for 1896. February 27, 1896 ..... O. B. 5—558

No. 168.—Authorizing conveyance of certain property to James H. Budd and J. B. Clifford. March 10, 1896 ..... O. B. 5—561 135

No. 169.—Amending Section 48 of Ordinance No. 53. April 15, 1896 ..... O. B. 5—563 253

No. 170.—Levying taxes for 1896. May 26, 1896 ..... O. B. 5—566

No. 171.—Defining hackney carriages and job wagons. Not finally passed ..... O. B. 5—569

No. 172.—Providing for purchase of steam road roller. June 30, 1896 ..... O. B. 5—571
[Repealed by Ordinance No. 175.]

No. 173.—Authorizing the repair of outfall sewer. August 4, 1896 ..... O. B. 5—573

No. 174.—Providing for construction of permanent wharf. August 4, 1896 ..... O. B. 5—574

No. 175.—Providing for purchase of steam road roller. August 11, 1896 ..... O. B. 5—575

No. 176.—For protection of improved public squares. September 2, 1896 ..... O. B. 5—577 254

No. 177.—Amending Ordinance No. 53 by adding section relating to riding bicycles. November 2, 1896 ..... O. B. 5—579
[Repealed by Ordinance No. 286.]

No. 178.—Franchise to Alameda and San Joaquin Railroad Company. November 27, 1896 ..... O. B. 5—581 164

No. 179.—Franchise to Alameda and San Joaquin Railroad Company. December 14, 1896 ..... O. B. 5—585 167

No. 180.—Accepting roadways and curbing on Hunter and Park streets. December 30, 1896 ..... O. B. 5—590

No. 181.—For protection of fire hydrants and cisterns. February 12, 1897 ..... O. B. 5—592 255

No. 182.—Fixing water rates for 1897. February 27, 1897. ..... O. B. 5—594

No. 183.—Amending Sections 1 and 2 of Ordinance No. 8. March 25, 1897 ..... O. B. 5—597 64

Ordinance Page

No. 184.—Accepting Stanislaus street from Weber avenue to Market, and Acacia street from Hunter to California, and Sonora street from California to Aurora, and Grant street from Washington to Sonora, and Sutter street from Channel to Miner Channel, and Weber avenue from California to American, and Madison street from Market to Washington, and Madison street from Market to Main, and Lindsay street from California to American, and El Dorado street from Magnolia to North; and conditionally accepting Lafayette street from Van Buren to Lincoln, and Lincoln from Butler to Mormon Channel, and Aurora street from Taylor to South, April 10, 1897 ----------O. B. 5—599

No. 185.—Fixing the grades of curbs and gutters. April 10, 1897. ----------O. B. 5—602 61

No. 186.—Prohibiting expectoration in public places. May 7, 1897----------O. B. 5—604 255

No. 187.—Prohibiting placing advertisements on city property. May 19, 1897----------O. B. 5—605 255

No. 188.—Amending Section 3 of Ordinance No. 9, and adding new section in relation to material for sidewalks. May 19, 1897----------O. B. 5—607 66

No. 189.—Authorizing the purchase of two sprinkling carts. May 11, 1897 ----------O. B. 5—608

No. 190.—Levying taxes for 1897. May 26, 1897----O. B. 5—609

No. 191.—Authorizing the purchase of hose for Fire Department. June 14, 1897----------O. B. 5—613

No. 192.—Inviting bids for lighting the streets of Stockton. July 14, 1897----------O. B. 5—615

No. 193.—Accepting Center street from Oak to North. August 12, 1897 ----------O. B. 5—617

No. 194.—Regulating the use of bicycles, etc. August 12, 1897. ----------O. B. 5—620
[Repealed by Ordinance No. 286.]

No. 195.—Ratifying action of Board of Public Works in relation to extension of permanent bulkhead. August 12, 1897----------O. B. 5—622

No. 196.—Repealing Ordinance No. 166. September 10, 1897. ----------O. B. 5—624

No. 197.—Authorizing purchase of Gamewell fire alarm system. September 10, 1897----------O. B. 5—626

No. 198.—Authorizing three standpipes for fire purposes. September 10, 1897----------O. B. 5—628

No. 199.—Authorizing purchase of supplies for Fire Department. September 30, 1897----------O. B. 5—630

No. 200.—Authorizing construction of weir dam across Mormon Channel. September 30, 1897----------O. B. 5—632

No. 201.—Inviting bids for lighting the streets of Stockton. October 12, 1897----------O. B. 5—634

No. 202.—Prohibiting the game of keno. October 27, 1897------ ----------O. B. 5—636

No. 203.—Amending Sections 3 and 5 of Ordinance No. 165. October 27, 1897----------O. B. 5—638

Ordinance — Page

No. 204.—Accepting San Joaquin street from Weber avenue to Channel, Channel from American to Stanislaus, Grant from Market to Main, San Joaquin street from Channel to Miner Channel, and Park street from Madison to Harrison. October 27, 1897.....O. B. 5—644

No. 205.—Prohibiting the wearing of hats in theaters, etc. November 10, 1897.....O. B. 5—646 256

No. 206.—Conditionally accepting Park street from Aurora to East. November 10, 1897.....O. B. 5—648

No. 207.—Conditionally accepting Acacia street from Monroe to Edison. February 2, 1898.....O. B. 5—650

No. 208.—Conditionally accepting California street from Park to North and Weber avenue from Monroe to Edison. February 2, 1898.....O. B. 5—652

No. 209.—Fixing water rates for 1898. February 25, 1898.....O. B. 5—654

No. 210.—Authorizing purchase of new boiler for Engine No. 1. March 10, 1898.....O. B. 5—659

No. 211.—Providing for annexation of certain territory to Stockton. March 16, 1898.....O. B. 5—661

No. 212.—Providing for annexation of certain territory to Stockton. March 16, 1898.....O. B. 5—669

No. 213.—Accepting intersections on Center street with Flora, Poplar, Acacia and Magnolia streets. April 27, 1898.....O. B. 5—667

No. 214.—Conditionally accepting Channel street from Sacramento to East. April 27, 1898.....O. B. 5—679

No. 215.—Prescribing the duties, fees and charges of poundkeeper. April 27, 1898.....O. B. 5—681 101

No. 216.—For laying water pipe on South Center street. May 11, 1898.....O. B. 5—685

No. 217.—Providing for exhumation and removal of human remains. May 11, 1898.....O. B. 5—687 127

No. 218.—Levying taxes for 1898. May 28, 1898.....O. B. 5—689

No. 219.—Authorizing improvements at pumping station. May 28, 1898.....O. B. 5—693

No. 220.—Authorizing the replanking of El Dorado-street bridge over Mormon Channel. May 28, 1898.....O. B. 5—695

No. 221.—Number and compensation of employes in Fire Department. August 15, 1898.....O. B. 5—697

No. 222—Authorizing the grading of Lafayette Square. October 13, 1898.....O. B. 5—700

No. 223.—Authorizing the purchase of supplies for Fire Department. October 13, 1898.....O. B. 5—702

No. 224.—Inviting bids for lighting the streets of Stockton. October 13, 1898.....O. B. 5—704

No. 225.—For laying water pipe on South California street. October 27, 1898.....O. B. 5—706

No. 226.—Providing for construction of permanent bulkhead. October 13, 1898.....O. B. 5—708

No. 227.—Granting to the Standard Electric Company a franchise. January 27, 1899.....O. B. 5—710
[Lapsed for want of acceptance.]

No. 228.—Authorizing the purchase of a new boiler for Engine No. 2. January 11, 1899.....O. B. 5—717

Ordinance Page

No. 229.—Conditionally accepting Center street from Mormon Channel to South, Fremont street from Hunter street to El Dorado, American street from Main to Weber avenue, Grant street from Main to Weber avenue, Poplar street from California to Sutter, Madison street from Oak to Flora, Commerce street from Willow to North, Madison street from Washington to Sonora. February 16, 1899.....O. B. 5—719

No. 230.—Fixing water rates for 1899. February 28, 1899.....O. B. 5—722

No. 231.—Ratifying contract for coal at pumping station. April 13, 1899 .....O. B. 5—728

No. 232.—Authorizing repairs on Engine No. 4. April 13, 1899. .....O. B. 5—730

No. 233.—Authorizing repairs on bitumen streets. April 26, 1899.....O. B. 5—732

No. 234.—Authorizing repairs on steamboat shed of C. N. & I. Co. April 26, 1899.....O. B. 5—734

No. 235.—Franchise to San Francisco and San Joaquin Valley Railway Company. June 2, 1899.....O. B. 5—736 177

No. 236.—Levying taxes for 1899. May 27, 1899....O. B. 5—742

No. 237.—Authorizing construction of warehouse for Fire Department. June 5, 1899.....O. B. 5—746

No. 238.—Authorizing purchase of hose for Fire Department. June 5, 1899.....O. B. 5—748

No. 239.—Authorizing construction of Pilgrim-street bridge across Mormon Channel September 13, 1899..... .....O. B. 5—750

No. 240.—Authorizing construction of outfall sewer siphon. September 13, 1899.....O. B. 5—752

No. 241.—Prohibiting the use of slot machines. September 27, 1899.....O. B. 5—754 256

No. 242.—Providing for construction of permanent bulkhead. September 13, 1899.....O. B. 5—756

No. 243.—Authorizing sale of steam street roller. September 13, 1899 .....O. B. 5—758

No. 244.—Providing for destruction of weeds in sidewalk space. September 27, 1899.....O. B. 5—760 257

No. 245.—Inviting bids for lighting the streets of Stockton. October 11, 1899.....O. B. 5—762

No. 246.—Authorizing purchase of supplies for Fire Department. October 11, 1899.....O. B. 5—764

No. 247.—Prohibiting the gambling game of keno. December 12, 1899 .....O. B. 5—766 257

No. 248.—Fixing water rates for 1900. February 28, 1900..... .....O. B. 5—768

No. 249.—Authorizing construction of rainwater sewer on Oak street. March 14, 1900.....O. B. 5—773

No. 250.—Franchise to San Francisco and San Joaquin Valley Railway Company. May 9, 1900.....O. B. 5—775 179

No. 251.—Determining that public interest demands municipal improvements. March 27, 1900.....O. B. 5—781

No. 252.—Calling special election to incur municipal debt. April 10, 1900 .....O. B. 5—786

Ordinance — Page

No. 253.—Authorizing the purchase of coal for pumping station. April 25, 1900 ..... O. B. 6— 1
No. 254.—Levying taxes for 1900. May 23, 1900 ..... O. B. 6— 3
No. 255.—Declaring result of special bond election. May 23, 1900 ..... O. B. 6— 7
No. 256.—Authorizing purchase of bitumen, etc. June 13, 1900. ..... O. B. 6— 17
No. 257.—Providing for construction of wooden shed at pumping station. June 13, 1900 ..... O. B. 6— 19
No. 258.—Providing for construction of permanent bulkhead. June 13, 1900 ..... O. B. 6— 21
No. 259.—Fixing rules governing water consumers. Amended by Ordinance No. 265 ..... O. B. 6— 23
No. 260.—Use of harbor and wharves, tonnage, harbor dues and wharf rates. June 15, 1900 ..... O. B. 6— 25
No. 261.—Issue, sale and redemption of bonds. Improvement Funds Nos. 6 and 7. June 13, 1900 ..... O. B. 6— 29 112
No. 262.—Franchise to Central Pacific Railway. June 29, 1900. ..... O. B. 6— 36 148
No. 263.—Authorizing alterations in Engine House No. 2. June 29, 1900 ..... O. B. 6— 39
No. 264.—Authorizing purchase of chemical fire engine. June 29, 1900 ..... O. B. 6— 41
No. 265.—Fixing rules governing water consumers. July 3, 1900. ..... O. B. 6— 43 253
No. 266.—Accepting Main street from Sutter to San Joaquin, Main street from Hunter to El Dorado; and conditionally accepting Poplar street from Madison to Harrison, Lincoln street from Washington to the wharf, Aurora street from Hazelton avenue to South. July 25, 1900 ..... O. B. 6— 46
No. 267.—Authorizing the improvement of South street from Aurora to 200 feet east of Pilgrim. September 17, 1900 ..... O. B. 6— 49
No. 268.—Changing names of Duncan, Butler and Kearney streets. October 16, 1900 ..... O. B. 6— 51
No. 269.—Authorizing repair of American-street bridge over Miner Channel. October 16, 1900 ..... O. B. 6— 53
No. 270.—Franchise to San Francisco and San Joaquin Valley Railway Company. November 14, 1900 ..... O. B. 6— 55 182
No. 271.—Inviting bids for lighting the streets of Stockton. November 14, 1900 ..... O. B. 6— 60
No. 272.—Authorizing the grading of Lafayette Square. November 14, 1900 ..... O. B. 6— 62
No. 273.—Authorizing the improvement of South street from California to Center. November 14, 1900 ..... O. B. 6— 64
No. 274.—Amending Section 6 of Ordinance No. 165. November 14, 1900 ..... O. B. 6— 66
No. 275.—Authorizing purchase of hose for Fire Department. November 28, 1900 ..... O. B. 6— 68
No. 276.—Authorizing purchase of supplies for Fire Department. December 12, 1900 ..... O. B. 6— 70
No. 277.—Dividing the city into four wards and defining boundaries. December 12, 1900 ..... O. B. 6— 72
No. 278.—Franchise to Sacramento and San Joaquin Valley Railway Company. January 9, 1901 ..... O. B. 6— 74 184

Ordinance Page

No. 279.—Authorizing sale of old City Jail. January 9, 1901. ----------O. B. 6— 78

No. 280.—Fixing curb line on south side of Miner avenue from San Joaquin street to Hunter. January 9, 1901. ----------O. B. 6— 80 67

No. 281.—Authorizing the construction of concrete sidewalk on south side of Miner avenue from San Joaquin to Hunter. January 9, 1901----------O. B. 6— 82

No. 282.—Amending Ordinance No. 53 by repealing Section 30 thereof. Not finally passed----------O. B. 6— 84

No. 283.—Creating a police relief and pension fund. February 21, 1901 ----------O. B. 6— 86 127

No. 284.—Franchise to Sacramento and San Joaquin Valley Railway Company ----------O. B. 6— 88

No. 285.—Authorizing the construction of Grant-street bridge across Miner Channel. February 21, 1901.O. B. 6— 93

No. 286.—Amending Ordinance No. 53 by repealing Section 30 thereof. March 13, 1901----------O. B. 6— 95 252

No. 287.—Fixing water rates for 1901. March 13, 1901-------- ----------O. B. 6— 97

No. 288.—Conditionally accepting Lindsay street from American to Grant, Willow street from Commerce to Center, San Joaquin street from Oak to Fremont, Oak street from El Dorado to Edison, Magnolia street from California to El Dorado, Vine street from Hunter to Center, Weber Levee from Madison street to Monroe. March 13, 1891----------O. B. 6—102

No. 289.—Regulating the business of pawnbroker, second-hand dealer or second-hand store, etc. April 30. 1901. ----------O. B. 6—105 259

No. 290.—Amending Ordinance No. 2 entitled "An Ordinance creating a Board of Health and providing for a Health Officer." April 30, 1901---------O. B. 6—108

No. 291.—Authorizing the Board of Public Works to let a contract for flooring Aurora-street bridge over Mormon Channel. April 30, 1901----------O. B. 6—110

No. 292.—Authorizing the Board of Public Works to let contract for a rainwater sewer on Oak street between American and Park streets. April 30, 1901----O. B. 6—112

No. 293.—Authorizing the Board of Public Works to let a contract for a bridge across Miner Channel on Aurora street. May 20, 1901----------O. B. 6—114

No. 294.—Granting to the Central Pacific Railway Company a franchise to operate a railroad along Scott's avenue, etc. June 1, 1901----------O. B. 6—116 149

No. 295.—Granting to the Central Pacific Railway Company a franchise for a railroad along Sacramento and other streets. June 1, 1901----------O. B. 6—121 152

No. 296.—Levying taxes for the year 1901. May 29, 1901------ ----------O. B. 6—125

No. 297.—Authorizing the Board of Public Works to gravel South street for a width of twenty feet from Center street to Madison street. May 29, 1901--------O. B. 6—129

No. 298.—Authorizing the Board of Public Works to improve with asphalt a portion of Commodore's Levee. June 12, 1901 ----------O. B. 6—131

Ordinance — Page

No. 299.—Authorizing the Board of Public Works to let a contract for repairing of bitumen streets and crosswalks. July 26, 1901.....O. B. 6—134

No. 300.—Authorizing the construction of a permanent bulkhead on Stockton Channel. July 26, 1901.O. B. 6—136

No. 301.—Granting to the Alameda and San Joaquin Railroad Company a franchise along Hazelton avenue. September 23, 1901.....O. B. 6—138 169

No. 302.—Amending Section 1 of Ordinance No. 260, relating to the use of harbor and wharves of Stockton; fixing tonnage, harbor dues and wharf rates. August 30, 1901.....O. B. 6—142 103

No. 303.—Amending Section 5 of an Ordinance providing for the issuance, sale and redemption of bonds voted the second day of May, 1900. September 11, 1901. .....O. B. 6—146

No. 304.—Appropriating money with which to pay Robert Effey for services performed in sale of sewer bonds. September 11. 1901.....O. B. 6—151

No. 305.—Amending Section 7 of Ordinance No. 165, concerning keeping and conducting saloons. October 9, 1901. .....O. B. 6—153

No. 306.—Inviting bids for lighting for the year 1902. October 9, 1901 .....O. B. 6—156

No. 307.—Authorizing the Board of Public Works to pave Scott's avenue and Scott's Levee with gravel. October 23, 1901.....O. B. 6—158

No. 308.—Authorizing the purchase of block 30, south of Mormon Channel, in this city, for the establishment of a City Pound. November 13, 1901.....O. B. 6—160 135

No. 309.—Authorizing the Board of Public Works to enter into a contract for the purchase of crude petroleum for the pumping station. November 27, 1901..... .....O. B. 6—162

No. 310.—Authorizing the Board of Police and Fire Commissioners to purchase supplies for the Fire Department for the year 1902. November 27, 1901...O. B. 6—164

No. 311.—Closing Sutter street between Vine street and North street, and Willow street between San Joaquin and California streets. January 7, 1902..... .....O. B. 6—166 74

No. 312.—Determining the number and fixing the compensation of employes of the Fire Department. February 12, 1902.....O. B. 6—169

No. 313.—Fixing water rates for the year commencing July 1, 1902. February 26, 1902.....O. B. 6—171

No. 314.—Granting certain real property for Public Library purposes, and providing for the conveyance of same to the Public Library Trustees. April 23, 1902..... .....O. B. 6—176 239

No. 315.—Authorizing the conveyance to Lucinda M. Budd of part of lot 15, in block 72, east. May 3, 1902..... .....O. B. 6—178 136

No. 316.—Authorizing the Board of Public Works to let contract for water main along Weber avenue and Weber Levee. April 23, 1902.....O. B. 6—180

Ordinance — Page

No. 317.—Appropriating money with which to repay the Stockton Savings and Loan Society for taxes illegally collected during the year 1900.....O. B. 6—182

No. 318.—Conditionally accepting Poplar street and other streets in this city. May 14, 1902.....O. B. 6—191

No. 319.—Authorizing the Board of Public Works to let contract for repairing of bitumen streets. May 14, 1902.....O. B. 6—191

No. 320.—Levying taxes for the year 1902. May 28, 1902.....O. B. 6—193

No. 321.—Regulating the digging of portions of roadway or sidewalk of public streets. July 14, 1902....O. B. 6—197

No. 322.—Providing for the construction of a permanent bulkhead on the south side of Stockton Channel. July 23, 1902 .....O. B. 6—202

No. 323.—Granting to H. H. Griffiths a franchise for a street railroad over certain streets. August 14, 1902.....O. B. 6—204 206

No. 324.—Granting to the Southern Pacific Railroad Company a franchise to operate a railroad across Mormon Slough to the John Boggs tract. November 26, 1902. .....O. B. 6—211 145

No. 325.—Authorizing the Board of Police and Fire Commissioners to purchase hay for the Fire Department. October 29, 1902.....O. B. 6—213

No. 326.—Authorizing the Board of Public Works to grade and gravel a strip of Lindsay Levee twenty-four feet wide from El Dorado street westerly. October 29, 1902.....O. B. 6—215

No. 327.—Inviting bids for lighting the streets of Stockton for the year commencing January 1, 1903. November 12, 1902.....O. B. 6—217

No. 328.—Authorizing the Board of Public Works to let contract for grading and bituminizing the floor of the California Navigation and Improvement Company's shed. November 25, 1902.....O. B. 6—219

No. 329.—Authorizing the submission of proposals to amend the City Charter to the qualified electors. March 10, 1903.....O. B. 6—221

No. 330.—Fixing water rates for the year commencing July 1, 1903. February 15, 1903.....O. B. 6—261

No. 331.—Authorizing the Board of Public Works to let contract for the construction of rainwater sewers on San Joaquin and other streets. April 8, 1903.O. B. 6—266

No. 332.—Providing for the construction of a permanent bulkhead on the south side of Stockton Channel. April 8, 1903 .....O. B. 6—269

No. 333.—Authorizing the Board of Public Works to grade Washington and Jones Squares. April 8, 1903.....O. B. 6—271

No. 334.—Calling a special election submitting the proposition of bonding the city for $160,000 for the construction of a municipal lighting plant. April 28, 1903.....O. B. 6—273

Ordinance Page

No. 335.—Amending Section 2 of Ordinance No. 165 and repealing Subdivision 10 of Section 3 of said Ordinance, relating to the liquor traffic. May 29, 1903.....O. B. 6—284

No. 336.—Granting to the Western Pacific Railway Company a franchise to construct a railroad along certain streets of the city, beginning at the junction of Steamboat Levee and the center line of Lindsay street, produced. May 29, 1903.....O. B. 6—287 186

No. 337.—Granting to the American River Electric Company a franchise to erect poles and wires for the transmission of electric current along certain streets. August 24, 1903.....O. B. 6—295

No. 338.—Granting to the Western Pacific Railway Company a franchise to construct a railroad along certain streets of the city. June 3, 1903.....O. B. 6—300 190

No. 339.—Levying taxes for the fiscal year 1903. May 29, 1903.....O. B. 6—310

No. 340.—Authorizing the Board of Public Works to let contract for the construction of bitumen crosswalks. May 29, 1903.....O. B. 6—314

No. 341.—Receiving and accepting certain lands from the Farmers Union and Milling Company as a part of Weber avenue. May 26, 1903.....O. B. 6—316 136

No. 342.—Conditionally accepting San Joaquin and other streets. June 27, 1903.....O. B. 6—318

No. 343.—Amending Section 1 of Ordinance No. 260, regulating the use of the harbor and wharves of the city. July 14, 1903.....O. B. 6—321 104

No. 344.—Declaring the result of a special election held May 28, 1903, upon the question of constructing a steam power electric lighting plant. July 13, 1903.O. B. 6—323

No. 345.—Authorizing the Board of Public Works to let contract for sweeping for seventeen months, beginning August 1, 1903. July 14, 1903.....O. B. 6—327

No. 346.—Providing for the sale and redemption of bonds in the amount of $160,000 for the construction of an electric lighting plant. July 28, 1903.....O. B. 6—329

No. 347.—Regulating the speed of automobiles and other motor vehicles and cars within the City of Stockton. July 28, 1903.....O. B. 6—334 260

No. 348.—Prohibiting the hauling or running of vehicles having projections upon tires of wheels along streets. July 28, 1903.....O. B. 6—336 261

No. 349.—Granting to the Central Pacific Railway Company a franchise to construct a railroad along certain streets. November 4, 1903.....O. B. 6—343

No. 350.—Providing for the construction of a permanent bulkhead on the south side of McLeod's Lake. October 20, 1903.....O. B. 6—343

No. 351.—Ordinance introduced but not adopted, inviting sealed proposals for lighting streets for 1904....O. B. 6—345

No. 352.—Granting to the American River Electric Company a franchise to construct poles and wires along certain streets for furnishing light to inhabitants. November 10, 1903.....O. B. 6—346 228

Ordinance

No. 353.—Inviting bids for lighting the streets of Stockton for the year commencing January 1, 1904. November 2, 1903.....O. B. 6—350

No. 354.—Concerning the keeping and conducting of saloons and repealing all Ordinances conflicting therewith. November 28, 1903.....O. B. 6—352

No. 355.—Amending Section 26 of Ordinance No. 53 relating to misdemeanors. November 24, 1903.....O. B. 6—367 261

No. 356.—Giving the consent of the City Council and authorizing the Board of Education to purchase lots 2, 4, 6 and 14, in block M, west of Center street. November 24, 1903.....O. B. 6—369 135

No. 357.—Prohibiting persons engaging in selling pools or bookmaking or making bets on horse races. December 21, 1903 .....O. B. 6—371 262

No. 358.—Granting to the American River Electric Company a franchise to erect poles and wires for the transmission of electrical current for the purpose of furnishing heat and power to the City of Stockton. December 15, 1903.....O. B. 6—374 229

No. 359.—Transferring Lafayette school property to the Board of Education of the City of Stockton and authorizing conveyance. December 29, 1903.....O. B. 6—379 136

No. 360.—Amending Section 21 of Ordinance No. 53 relating to the construction of bay or oriel windows over the lines of public streets, and the placing of signs, placards, banners or advertisements upon the streets. January 12, 1904.....O. B. 6—382 263

No. 361.—Granting to R. G. Paddock and successors a franchise to construct and operate an electric pole line.....O. B. 6—389

No. 362.—Providing for the appointment of a Board of Examining Engineers and prescribing their powers and duties. Failed to finally pass.....O. B. 6—389

No. 363.—Amending Ordinance No. 2, fixing salary of Health Officer. February 9, 1904.....O. B. 6—397 44

No. 364.—Authorizing the Board of Public Works to let contract for dredging Stockton Channel. February 24, 1904. .....O. B. 6—399

No. 365.—Changing the name of Jones Square to Weber Park. February 24, 1904.....O. B. 6—401

No. 366.—Fixing water rates for the year commencing July 1, 1904. February 24, 1904.....O. B. 6—403

No. 367.—Granting to R. G. Paddock a franchise to construct an electric pole line through thee streets of Stockton. February 24, 1904.....O. B. 6—408

No. 369.—Providing for the joint purchase with the County of San Joaquin of eleven voting machines. April 19, 1904.....O. B. 7— 1

No. 370.—Inviting bids for the improvement and paving of Weber avenue intersections with California street, Sutter street. San Joaquin street and the east half of El Dorado street; also the north half of Weber avenue in front of the west 35 feet of lot 4, block 67, east. April 19, 1904.....O. B. 7— 3

Ordinance Page

No. 371.—Providing for the construction of a permanent bulkhead on the south side of Stockton Channel. April 26, 1904 ----------O. B. 7— 4

No. 372.—Levying taxes for the fiscal year 1904. May 24, 1904. ----------O. B. 7— 5

No. 373.—Amending Section 2 of Ordinance No. 53, prohibiting the firing of guns, etc., within the city limits. January 28, 1904----------O. B. 7— 7 264

No. 374.—Authorizing the Board of Public Works to purchase two sprinkling carts. June 14, 1904----O. B. 7— 8

No. 375.—Providing for a Milk Inspector and prescribing duties. July 12, 1904----------O. B. 7— 9 44

No. 376.—Providing for the purchase of certain basalt blocks now in use along certain portions of Weber avenue. July 12, 1904----------O. B. 7— 14

No. 377.—Adjudging that public necessity exists for the construction of a City Hall. July 26, 1904--------O. B. 7— 15

No. 378.—Accepting the proposal of James H. Hough and Elizabeth H. Hough (his wife) to build, furnish and equip an Emergency Hospital. August 17, 1904-O. B. 7— 17 136

No. 379.—Authorizing the Board of Police and Fire Commissioners to purchase fire hydrants. September 13, 1904. ----------O. B. 7— 20

No. 380.—Inviting bids for the construction of a freight shed at the head of Stockton Channel on the south side thereof. Failed to finally pass----------O. B. 7— 21

No. 381.—Inviting proposals for lighting the streets for the year commencing January 1, 1905. November 16, 1904---- ----------O. B. 7— 22

No. 382.—Prohibiting the cutting down of trees in public streets or squares. November 16, 1904---O. B. 7— 23 264

No. 383.—Calling a special election submitting proposition of constructing a City Hall and site for same. December 28, 1904----------O. B. 7— 24

No. 384.—Inviting sealed proposals for the construction of a freight shed at the head of Stockton Channel on the south side. December 31, 1904------O. B. 7— 29

No. 385.—Authorizing the Board of Public Works to advertise for bids for street sweeping for the year beginning January 1, 1905. December 28, 1904----O. B. 7— 31

No. 386.—Authorizing the Board of Public Works to improve and reconstruct certain portions of Miner avenue. February 7, 1905----------O. B. 7— 32

No. 387.—Amending Ordinance No. 312 relating to the number and fixing the compensation of employes of the Fire Department. March 28, 1905----------O. B. 7— 33

No. 388.—Authorizing the Board of Public Works to let contract for construction of end rest piers and bulkheads and filling approaches to drawbridge across Mormon Channel on Main street. May 23, 1905--O. B. 7— 35

No. 389.—Authorizing the Board of Public Works to advertise for bids and letting contract for constructing a concrete sidewalk around Lafayette Square. March 24, 1905----------O. B. 7— 36

No. 390.—Fixing water rates for the year commencing July 1, 1905. March 29, 1905----------O. B. 7— 37

Ordinance — Page

No. 391.—Granting a franchise to the Stockton Electric Railroad Company to construct a street railroad on Poplar street from the center line of El Dorado street to the west line of West street. March 30, 1905.....O. B. 7— 40 203

No. 392.—Authorizing the Board of Public Works to let contract for the construction of a bridge across Miner Channel on Union street. March 29, 1905....O. B. 7— 43

No. 393.—Prohibiting the keeping of hogs within the limits of the City of Stockton. June 3, 1905.....O. B. 7— 44 265

No. 394.—Authorizing the Board of Police and Fire Commissioners to purchase hose. May 9, 1905...O. B. 7— 45

No. 396.—Levying taxes for the fiscal year 1905. May 23, 1905. .....O. B. 7— 46

No. 397.—Providing for the construction of a permanent bulkhead on the south side of Stockton Channel. June 3, 1905 .....O. B. 7— 48

No. 398.—Accepting certain streets in this city. June 3, 1905. .....O. B. 7— 49

No. 399.—Authorizing the Board of Public Works in the City of Stockton to let contract for the construction of a concrete bridge across North-street Canal on El Dorado street. Failed to pass.....O. B. 7— 52

No. 400.—Dividing the city into four wards and defining the boundaries thereof. July 31, 1905.....O. B. 7— 52 80

No. 401.—Regulating the transportation along the streets of dirt, sand, loam or other soil, etc. August 25, 1905. .....O. B. 7— 53 79

No. 402.—Authorizing the sale at public auction of lot 14, in block 42, east of Center street. November 27, 1905. .....O. B. 7— 54 136

No. 403.—Regulating the making of excavations in public streets. Failed to pass.....O. B. 7— 55

No. 404.—Determining the number, defining regular employes and fixing the compensation of employes of the Stockton Fire Department. December 23, 1905.... .....O. B. 7— 59 52

No. 405.—Inviting sealed proposals for the lighting of the streets of Stockton with electric lights for the year commencing January 1, 1906. December 23, 1905..... .....O. B. 7— 61

No. 406.—Directing the sale at public auction of certain wooden buildings standing on lot 14, in block 42, east of Center street. December 23, 1905.....O. B. 7— 62

No. 407.—Authorizing the purchase by the City of Stockton of lot 16, in block 237, east of Center street. January 9, 1906 .....O. B. 7— 64 136

No. 408.—Fixing water rates for the year commencing July 1, 1906. March 13, 1906.....O. B. 7— 66

No. 409.—Requiring lights to be placed on obstructions on public streets. March 13, 1906.....O. B. 7— 69 265

Ordinance — Page

No. 410.—Regulating the making of excavations in public streets. March 30, 1906.....O. B. 7— 70 75

No. 411.—Requiring building permits and fixing fees thereof. March 30, 1906.....O. B. 7— 74 266

No. 412.—Requiring railroad companies to sprinkle tracks and for two feet on each side thereof. March 30, 1906. .....O. B. 7— 76 267

No. 413.—Aiding the State of California in furnishing to the United States a right of way for a diverting canal. April 9, 1906.....O. B. 7— 77

No. 414.—Determination that public necessity demands the construction of an electric lighting plant, City Hall, sanitary sewers, asphaltum streets and improvement of graveled streets. April 10, 1906.....O. B. 7— 78

No. 415.—Fixing fire districts within the City of Stockton. June 12, 1906.....O. B. 7— 80 51

No. 416.—Prohibiting placing of drugs upon doorsteps or premises. June 12, 1906.....O. B. 7— 82 267

No. 417.—Levying taxes for the fiscal year 1906. May 22, 1906. .....O. B. 7— 83

No. 418.—Permitting the laying of a pipe line by the Union Oil Company across Weber avenue to Stockton Channel. June 12, 1906.....O. B. 7— 85

No. 419.—Calling a special election submitting proposition of incurring a municipal debt of $764,000 to the people. June 24, 1906.....O. B. 7— 87

No. 420.—Prohibiting the obstruction of sidewalks by bushes or hedges and prohibiting growth of weeds on sidewalks and premises. June 26, 1906.....O. B. 7— 93 268

No. 421.—Granting a franchise to the Western Pacific Railway Company to construct tracks along certain streets. August 28, 1906.....O. B. 7— 95 171

No. 422.—Declaring the result of a special election held July 31, 1906, upon the proposition of incurring a municipal debt of $764,000 and issuing bonds therefor. September 1, 1906.....O. B. 7— 99

No. 423.—Granting to the Central California Traction Company a franchise for constructing a street railroad along certain streets. October 10, 1906..O. B. 7—104 210

No. 424.—Providing for the appointment of a Board of Trustees for the disbursement of the Exempt Firemen's Relief Fund. September 12, 1906..O. B. 7—107 128

No. 425.—Providing for the construction of a permanent bulkhead on Stockton Channel. September 12, 1906. .....O. B. 7—109

No. 426.—Providing for the issue, sale and redemption of bonds to the amount of $40,000—for rainwater sewers $30,000 and sanitary sewers $10,000. September 19, 1906.....O. B. 7—110 115

Ordinance — Page

No. 427.—Calling a special election submitting to the voters the proposition of incurring a municipal indebtedness in the sum of $187,000 for street improvements with asphaltum. September 25, 1906....O. B. 7—113

No. 428.—Fixing sidewalk grade and curb and gutter grades of certain portions of Rose, Magnolia, Acacia, Poplar, West, Argonaut and Orange streets. November 12, 1906.....O. B. 7—117 68

No. 429.—Declaring the result of the election upon the proposition of incurring a municipal indebtedness of $187,000. November 26, 1906.....O. B. 7—119

No. 430.—Permitting the Associated Oil Company to reconstruct an oil pipe line along Harrison street in this city. November 27, 1906.....O. B. 7—121

No. 431.—Inviting sealed proposals for lighting the streets for the year beginning January 1, 1907. Failed to pass. .....O. B. 7—123

No. 432.—Declaring the grade of Sonora street, between the east line of Aurora street and the west line of Sacramento street, to be changed and establishing the grade of the same. November 27, 1906..O. B. 7—124 57

No. 433.—Regulating the granting of permits to do street work by private contract and providing the manner in which the same shall be done. November 27, 1906. .....O. B. 7—125 269

No. 434.—Providing for the issuance, sale and redemption of bonds in the sum of $187,000 for the construction of municipal improvements. December 24, 1906..... .....O. B. 7—127 118

No. 435.—Relating to the grading and other improvements of streets and fixing the grades of the same. December 24, 1906.....O. B. 7—130 63

No. 436.—Inviting sealed proposals for lighting the streets for the year commencing January 1, 1907. December 24, 1906.....O. B. 7—132

No. 437.—Fixing sidewalk grades and the curbing and gutter grades of certain portions of certain streets and blocks within the City of Stockton lying north of Survey No. 2999 and west of Edison street. February 12, 1907 .....O. B. 7—133 67

No. 438.—Authorizing the Board of Police and Fire Commissioners to expend $10,600 for the construction of the East Side engine-house. February 12, 1907..... .....O. B. 7—135

No. 439.—Enabling the City Council to obtain data upon which to fix rates for gas and electricity. February 25, 1907. .....O. B. 7—137 271

No. 440.—Fixing water rates for the year commencing July 1, 1907. March 18, 1907.....O. B. 7—139

Ordinance — Page

No. 441.—Granting to the Western Pacific Railway Company a franchise for a street railway along certain streets of this city. January 1, 1907.....O. B. 7—142 195

No. 442.—Authorizing the purchase of a garbage incinerator. May 7, 1907.....O. B. 7—145 79

No. 443.—Concerning the keeping and conducting of saloons, bars, bar-rooms and other places where intoxicating liquors are sold. May 8, 1907.....O. B. 7—147 91

No. 444.—Fixing the rate of gas and electricity for the year commencing July 1, 1907. May 15, 1907..O. B. 7—154 125

No. 445.—Granting to the Standard Oil Company the right to construct and lay a pipe line across Weber avenue to the south bank of Stockton Channel. May 15, 1907.....O. B. 7—156

No. 446.—Levying tax for the fiscal year 1907. May 31, 1907. .....O. B. 7—158

No. 447.—Authorizing the expenditure of sufficient moneys to pave certain streets of this city, as authorized by vote of the people. January 25, 1907....O. B. 7—160

No. 448.—Granting a franchise to the Central California Traction Company to construct a railroad along certain streets of the city. October 8, 1907.....O. B. 7—161 213

No. 449.—[As amended.] Granting to the Atchison, Topeka and Santa Fe Railway Company a franchise to construct a track on Taylor street into the property of Yolland & Co. October 8, 1907.....O. B. 7—163 231

No. 450.—Granting to the Central California Traction Company a franchise to construct a street railway along certain streets in this city. September 28, 1907..... .....O. B. 7—165 215

No. 451—Prohibiting the interference with gates, ropes, lines and appliances for protecting street work. September 18, 1907.....O. B. 7—167 272

No. 452.—Regulating the maintenance of veterinary hospitals and restricting the prosecution of such business within certain limits. October 15, 1907..O. B. 7—168

No. 453.—Providing for the construction of a permanent bulkhead on Stockton Channel. October 17, 1907..... .....O. B. 7—169

No. 454.—Authorizing the Superintendent of Streets to sell certain junk, waste iron and other material for the city at public auction. October 17, 1907..O. B. 7—170

No. 456—Appropriating the sum of $7,000 to pay for the improvement of Aurora street from Hazelton avenue to the south line of Market street. October 28, 1907..... .....O. B. 7—172

No. 457.—Authorizing the appointment of an Assistant Chief Engineer of the Stockton Fire Department and fixing his compensation. October 28, 1907.....O. B. 7—173

No. 458.—Prohibiting the obstruction of streets or highways by trains of cars November 19, 1907.....O. B. 7—174

Ordinance — Page

No. 459.—Providing for the preservation of the navigation of Stockton Channel by diverting the waters of Mormon Channel into the San Joaquin River. November 25, 1907.....O. B. 7—175 129

No. 460.—Requiring owners or those in control of railways to station flagmen at certain points. December 16, 1907.....O. B. 7—180 274

No. 461.—Regulating the conveyance of naphtha, kerosene and other products of petroleum through the streets. December 16, 1907.....O. B. 7—181 273

No. 462.—Inviting sealed proposals for lighting of streets for the year commencing January 1, 1908. December 16, 1907.....O. B. 7—183

No. 463.—Granting to the Atchison, Topeka and Santa Fe Railway Company a franchise for constructing tracks along certain streets. February 17, 1908.O. B. 7—184 175

No. 464.—Closing saloons, etc., at certain times and declaring certain acts to be a misdemeanor. February 24, 1908. .....O. B. 7—186 99

No. 465.—Prohibiting the placing of advertising signs on trees, poles, etc. April 13, 1908.....O. B. 7—187 274

No. 466.—Fixing water rates for the City of Stockton. April 6, 1908.....O. B. 7—189 122

No. 467.—Conditionally accepting certain streets. April 27, 1908. 85

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